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No. 9] NEW DELHI, SATURDAY, MARCH 3, 1990/PHALGUNA 12, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रका मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

नई दिल्ली, 5 फरवरी, 1990

New Delhi, the 5th February, 1990

का. शा. 502.—लोक परिसर (अनाधिकृत अधिभोक्ता की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, सिगनल ग्रुप केन्द्र केन्द्रीय रिजर्व पुलिस बल, रांची (बिहार) के कमांडेंट को भारत सरकार का राजपत्रित अधिकारी होने के कारण, उक्त अधिनियम के उद्देश्य के लिए संपदा अधिकारी नियुक्त करती है, तथा आगे निर्देश देती है कि रांची (बिहार) स्थित केन्द्रीय रिजर्व पुलिस बल के नियंत्रण या कब्जे के अधीन लोकपरिसर के बारे में कथित अधिनियम के अंतर्गत या द्वारा प्रदत्त शक्तियों का प्रयोग तथा संपदा अधिकारी पर लागू श्रुतियों का निर्वाह कर सकेगा।

[सं० ए० II-8/88-प्रशा० 3/केरिपुवल/गृह मंत्रालय/एफ०पी० IV]

ए०जे० अलक्स, निदेशक

S.O. 502.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Commandant of Signal Group Centre, Central Reserve Police Force, Ranchi (Bihar) being a Gaetted Officer of the Government of India, to be estate officer for the purposes of the said Act, and further directs that the said officer shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act in respect of public premises under the control or occupation of the Central Reserve Police Force at Ranchi (Bihar).

[No. A.II-8/88-Admn. 3/CRPF/MHA/FP.IV]

A. J. ALEX, Director

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 2 फरवरी, 1990

का. आ. 503.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जयपुर (राजस्थान) सं. ए.सी.जे.एम./मेशन/अतिरिक्त मेशन न्यायालय में रामेश्वर लाल और अन्यो के विरुद्ध दिल्ली विशेष पुनर्म म्थापन, नियमित मामला आर.सी./9/87-एम.आई.यू.-III/एम.आई.सी.-I के अभियोजन का तथा साथ ही अपील और पुनरीक्षण न्यायालयों में उक्त मामले में उद्भूत अन्य कार्यवाहियों का संचालन करने के प्रयोजन के लिए श्री मदन मोहन आहलुवालिया, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/30/89-ए.वी.सी.II]

जी. सीतारामन, अव्वर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 2nd February, 1990

S.O. 503.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Sri Madan Mohan Ahluwalia, Advocate as Special Public Prosecutor for conducting the Prosecution of the Delhi Special Police Establishment Regular case RC No 9/87-SIU-III/SI-C-I against Rameshwar Lal and others in the court of ACJM/Sessions/Additional Session Courts at Jaipur (Rajasthan) and also other proceedings arising out of the said case in the Appellate and revised Court.

[No. 225/30/89.AVD-II]

G. SITARAMAN, Under Secy.

नई दिल्ली, 5 फरवरी, 1990

का. आ. 504.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में कार्मिक और प्रशिक्षण विभाग के अंतर्गत आने वाले निम्नलिखित कार्यालय को, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है:

1. कर्मचारी चयन आयोग (मुख्यालय)

ब्लाक नं. 12, सी.जी.ओ. कॉम्प्लेक्स,

लोदी रोड, नई दिल्ली।

[संख्या 11011/3/90-हिन्दी]

एस. आर. खीथा, उप सचिव

New Delhi, the 5th February, 1990

S.O. 504.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following office under the Department of Personnel and Training whereof more than 80% staff have acquired working knowledge of Hindi :—

1. Staff Selection Commission (HQ), Block No. 12, C.G.O. Complex, Lodhi Road, New Delhi.

[No. 11011/3/90-Hindi]

S. R. KHITHA, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 11 दिसम्बर, 1989

(आयकर)

का. आ. 505.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (17) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री 108 प्रणनाथजी मंदिर ट्रस्ट" धाम, पन्ना, मध्य प्रदेश को उक्त उपखंड के प्रयोजनार्थ कर निधिरण वर्ष 1985-86 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8528/फा.सं.197/97/89-आ.कर (नि. I)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 11th December, 1989

(INCOME-TAX)

S.O. 505.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri 108 Prannathji Mandir Trust" Dham, Panna, M.P. for the purpose of the said sub-clause for the assessment years 1985-86 to 1989-90.

[No. 8528/F. No. 197/97/89-IT(AI)]

नई दिल्ली, 18 जनवरी, 1990

(आयकर)

का. आ. 506.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "कदमपुशा भागवती देवास्वम, कदमपुशा केरल" को उक्त उपखंड के प्रयोजनार्थ कर निधिरण वर्ष 1988-89 और 1989-90 के लिए अधिसूचित करती है।

[सं. 8548/फा.सं. 197/150/89-आ.कर (नि.-I)]

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 18th January, 1990

(INCOME-TAX)

S.O. 506.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Kadampuzha Bhagavathi Devaswam, Kadampuzha, Kerala" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8548/F. No. 197/150/89-IT(A-I)]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 3 जनवरी, 1990

प्रधान कार्यालय संस्थापन

का. आ. 507.—केन्द्रीय प्रत्यक्ष-कर बोर्ड (कार्य का विनियमन) नियम, 1964 के नियम 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री ओ. पी. भारद्वाज को, जो इससे पूर्व समझौता आयोग में उपाध्यक्ष के पद पर कार्यरत थे, दिनांक 27 दिसंबर, 1989 के पूर्वाह्न में अगला आदेश होने तक, राजस्व विभाग के केन्द्रीय प्रत्यक्ष-कर बोर्ड में सदस्य के रूप में नियुक्त करती है।

[फा. सं. ए-19011/3/88-प्रशा. I]

आर. के. जिंदल, निदेशक (प्रशासन)

New Delhi, the 3rd January, 1990

HEADQUARTERS ESTABLISHMENT

S.O. 507.—In exercise of the powers conferred by Rule 3 of the Central Boards of Direct Taxes (Regulation of Business) Rules, 1964, the Central Government hereby appoint Shri O. P. Bhardwaj, an officer of the Indian Revenue Service (I.T.) and formerly posted as Vice-Chairman, Settlement Commission, as Member in the Central Board of Direct Taxes in the Department of Revenue with effect from the forenoon of the 27th December, 1989 and until further orders.

[F. No. A-19011/3/88-Ad. I]

R. K. JINDAL, Director (Admn.)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 जनवरी, 1990

का. आ. 508.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उप-धारा (1) के खंड (ग) के उपखंड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री ए. एन. वर्मा, सचिव, उद्योग मंत्रालय, औद्योगिक विकास विभाग, नई दिल्ली को भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[संख्या एफ. 7/2/90-बी.ओ.-1]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st January, 1990

S.O. 508.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri A. N. Verma, Secretary, Ministry of Industry, Department of Industrial Development, New Delhi as the Director of the Industrial Development Bank of India.

[No. F. 7/2/90-BO.I]

का. आ. 509.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (क) के उपखंड (1) के अनुसरण में केन्द्रीय

सरकार, एतद्वारा श्री ए. एन. वर्मा, सचिव, उद्योग मंत्रालय, औद्योगिक विकास विभाग, नई दिल्ली को भारतीय निर्यात-आयात बैंक के निदेशक मंडल में निदेशक के रूप में मनोनीत करती है।

[संख्या एफ. 7/3/90-बी.ओ.-1]

S.O. 509.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri A. N. Varma, Secretary, Ministry of Industry, Department of Industrial Development, New Delhi as a Director of the Board of Directors of the Export-Import Bank of India.

[No. F. 7/3/90-BO.I]

नई दिल्ली, 2 फरवरी, 1990

का. आ. 510.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 8 के उपखंड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् कार्यभार ग्रहण करने की तारीख से 26 मार्च, 1993 तक की अवधि के लिये एतद्वारा श्री के. लक्ष्मीनारायणन वर्तमान, कार्यपालक निदेशक सिंडिकेट बैंक को केनरा बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[संख्या एफ. 9/5/89-बी.ओ.-I]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 2nd February, 1990

S.O. 510.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri K. Lakshminarayanan presently Executive Director Syndicate Bank as a Whole-time Director (designated as the Executive Director) of Canara Bank for the period commencing with the date of his taking charge and ending with 26th March, 1993.

[No. F. 9/5/89-BO.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 7 फरवरी, 1990

का. आ. 511.—भारतीय स्टेट बैंक, (अनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उप-धारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नीचे की तारणी के कालम (2) में उल्लिखित व्यक्तियों को उनमें से प्रत्येक के सामने उसी तारणी कालम (3) में उल्लिखित व्यक्तियों

के स्थान पर सारणी के कालम (1) में दिए गए अनुषंगी बैंकों के निदेशक के रूप में नामित करती है:—

सारणी	
1	2
1. स्टेट बैंक आफ मैसूर	श्रीमती गौरी कुमार उपसचिव वित्त मंत्रालय आर्थिक कार्य विभाग

1	2
2. स्टेट बैंक आफ इंदौर	(बैंकिंग प्रभाग) नई दिल्ली श्रीमती स्मिता चूघ उपसचिव वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली

[सं.एफ. 9/7/90-बी.ओ. I(i)]

New Delhi, the 7th February, 1990

S.O. 511.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, hereby nominates the persons specified in column (2) of the Table below as Directors of the Subsidiary Bank specified in column (1) thereof in place of the persons specified in the corresponding entry in column (3) of the said Table :

TABLE

(1)	(2)	(3)
1. State Bank of Mysore	Smt. Gauri Kumar, Deputy Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.	Shri N. Prasad
2. State Bank of Indore	Smt. Smita Chugh, Deputy Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.	Shri N. Prasad

[No. F. 9/7/90-BO.I(i)]

का.आ. 512.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) योजना, 1980 की धारा 3 की उपधारा (ज) के अनुसरण में केन्द्रीय सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के उप सचिव, श्री एन. प्रसाद को श्री सी. डब्ल्यू. मीरचंदानी के स्थान पर एतद्वारा विजया बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/7/90-बी. ओ. I(ii)]

प्राण नाथ, अवसर सचिव

S.O. 512.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri N. Prasad, Deputy Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as a Director of Vijaya Bank vice Shri C. W. Mirchandani.

[F. No. 9/7/90-B.O. I(ii)]
PRAN NATH, Under Secy.

नई दिल्ली, 7 फरवरी, 1990

का. आ. 513.—भारतीय औद्योगिक विकास बैंक अधिनियम 1964 (1964 का 18) की धारा 2 के खण्ड (ग) के उप खण्ड (17) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के प्रयोजन हेतु निम्नलिखित कार्यकलाप को "उद्योग में संबंधित" के रूप में विनिर्दिष्ट करती है, अर्थात् "उद्योग पूंजी, जोखिम पूंजी, लेनदारी लेखा क्रम तथा भुनाई के रूप में वित्तीय सहायता प्रदान करना।"

[एफ. सं. 10(73)/आईएफ-1/89]

एच. एस. कुमार, उप सचिव

New Delhi, the 7th February, 1990.

S.O. 513.—In exercise of the powers conferred by sub-clause (xvii) of clause (c) of section 2 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the

Central Government hereby specifies the following activity to be "industrial concern" for the purposes of the said Act, namely:—

"rendering financial assistance by way of venture capital risk capital, factoring and discounting".

[F. No. 10(73)/IF. I/89]

H. S. KUMAR, Dy. Secy.

नई दिल्ली, 8 फरवरी, 1990

का.आ. 514.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984, की धारा 18 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, "नार्थ ईस्टर्न इंडस्ट्रियल कन्सल्टेन्ट्स लिमिटेड" के नाम से जानी जाने वाली वित्तीय संस्था को उपरोक्त खंड के उद्देश्यों के लिये कम्पनी अधिनियम, 1956 (1956

का 1) के अन्तर्गत पंजीकृत कम्पनी के रूप में अधिसूचित करती है।

[एफ संख्या 1(13)/88-आई एफ- II]

वी.पी. भारद्वाज, अव्वर सचिव

New Delhi, the 8th February, 1990

S.O. 514.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 18 of the Industrial Reconstruction Bank of India Act, 1984, Central Government hereby notifies that financial institution known as "North Eastern Industrial Consultants Limited" being a company registered under the companies Act, 1956 (1 of 1956), for purpose of the aforesaid clause.

[F. No. 1(13)/88-IF. II]

V. P. BHARDWAJ, Under Secy.

आयकर विभाग

[कार्यालय मुख्य आयकर आयुक्त (प्रशासन)]

कलकत्ता, 17 नवम्बर, 1989

का. आ. 515—संख्या-11/89-90 आयकर अधिनियम, 1961 की धारा 120 की उप-धारा (1) और (2) द्वारा और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना संख्या 7842 दिनांक 1-4-1988 फाईल संख्या 279/17/88—आई. टी. जे. एम. ओ. 361(ई) द्वारा प्रदत्त शक्तियों और इस दिशा में सक्षम बनाने वाली अन्य शक्तियों का प्रयोग करते हुए और अधिसूचना संख्या 15/88-89 (आ.अ.) संख्या/तक/30/88-9 दिनांक 4-11-1988 और संख्या 1788-89 (संख्या—आ. अ./संख्या/तक/30/88-89) 8/9-212-1988 (आयन संख्या आ. अ./संख्या/तक/30/88-89/8043 18543 दिनांक 13-12-1988 में आंशिक संशोधन करते हुए में, मुख्य आयकर आयुक्त (प्रशासन), कलकत्ता, एतद्वारा, निदेश देता है कि आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (2) के खंड (ए) से (एच) तक, धनकर अधिनियम, 1957 की धारा 23 की उप-धारा (1 ए) के खंड (ए) से (ई) तक, दानकर अधिनियम, 1958 की धारा 22 की उपधारा (1 ए) के खंड (ए) से (ई), तक, कम्पनी (लाभ) अतिकर 1984 की धारा 11 की उपधारा (i), व्याज कर, 1974 (1974 का 45) की धारा 15 की उप-धारा (i) और व्यय कर 1987 की धारा 22 की उपधारा (1) तक पारित आदेशों के अनुसार स्तम्भ 3 में विनिर्दिष्ट बांधों, सर्कल, स्पेशल रेंज के अन्तर्गत निर्धारित व्यक्तियों के आयकर या धन कर या दानकर या अतिकर या व्याज कर या व्यय कर के सम्बन्ध में निम्न अनुसूची के स्तम्भ 2 में विनिर्दिष्ट आयकर आयुक्त (अपील) अपना कार्य करेंगे।

आयकर आयुक्त (प्रशा.) (प. वं. कलकत्ता)

के अधीन कार्यरत : आयकर आयुक्त (अपील)

के क्षेत्राधिकार की अनुसूची

क्रम संख्या	आयकर आयुक्त (अपील) के पदनाम, मुख्यालय सहित	क्षेत्राधिकार
1	2	3
1.	आयकर आयुक्त (अपील)—1, कलकत्ता।	निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारी जो, अनुसंधान सर्कल, और बाई संभाल रहे हैं :— (क) आयकर आयुक्त, रेंज -7, कलकत्ता (ख) आयकर उपायुक्त, जलपाई-गुडी रेंज जलपाई-गुडी।

1	2	3
2. आयकर आयुक्त (अपील)—II, कलकत्ता ।		<p>(क) आयकर उपायुक्त, स्पेशल रेंज-3, कलकत्ता और अन्य कर उपायुक्त, स्पेशल रेंज-3, कलकत्ता के अधीन सभी निर्धारण अधिकारियों ।</p> <p>(ख) आयकर उपायुक्त, स्पेशल रेंज-13, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-13, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों ।</p> <p>(ग) आयकर उपायुक्त, स्पेशल रेंज-16, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-16, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों ।</p> <p>(घ) आयकर उपायुक्त, रेंज-2, कलकत्ता के अधीन कार्यरत : सभी निर्धारण अधिकारियों जो अनुसंधान सर्कल, और वार्ड संभाल रहे हैं ।</p>
3. आयकर आयुक्त (अपील) —III, कलकत्ता ।		<p>(क) आयकर उपायुक्त, स्पेशल रेंज-2, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-2, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों ।</p> <p>(ख) आयकर उपायुक्त, स्पेशल रेंज-10, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-10, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों ।</p> <p>(ग) आयकर उपायुक्त, स्पेशल रेंज-12-कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-12, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों ।</p>
4. आयकर आयुक्त (अपील)—VII, कलकत्ता ।		<p>आयकर उपायुक्त, रेंज-1, कलकत्ता के अधीन कार्यरत सभी निर्धारित अधिकारियों जो कि अनुसंधान सर्कल, और वार्ड संभाल रहे हैं ।</p>
5. आयकर आयुक्त (अपील)—VIII, कलकत्ता		<p>निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारियों जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं :—</p> <p>(क) आयकर उपायुक्त रेंज-10, कलकत्ता ।</p> <p>(ख) आयकर उपायुक्त, रेंज-15, कलकत्ता ।</p>
6. आयकर आयुक्त (अपील)—IX, कलकत्ता ।		<p>निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारियों जो कि अनुसंधान सर्कल और वार्ड संभाल रहे हैं ।</p> <p>(क) आयकर उपायुक्त, रेंज-6, कलकत्ता</p> <p>(ख) आयकर उपायुक्त, रेंज-11, कलकत्ता</p> <p>(ग) आयकर उपायुक्त, रेंज-20, कलकत्ता</p> <p>(घ) आयकर उपायुक्त, रेंज-21 कलकत्ता</p>

1	2	3
7	आयकर आयुक्त (अपील) —X—कलकत्ता।	<p>(क) आयकर उपायुक्त, स्पेशल रेंज-1, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-1, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(ख) आयकर उपायुक्त, रेंज-7, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-7 कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(ग) आयकर उपायुक्त रेंज-13 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारियों जो अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।</p> <p>(घ) आयकर उपायुक्त, स्पेशल रेंज—11 और आयकर उपायुक्त, स्पेशल रेंज-11, कलकत्ता के अधीन सभी निर्धारण अधिकारियों।</p> <p>(ङ) आयकर उपायुक्त, स्पेशल रेंज-8, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-8, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(च) आयकर उपायुक्त, रेंज-8, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारियों जो अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।</p>
8.	आयकर आयुक्त (अपील)—XIV कलकत्ता।	<p>(क) आयकर उपायुक्त, स्पेशल रेंज-9, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-9, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(ख) आयकर उपायुक्त, रेंज-16, कलकत्ता के अधीन सभी निर्धारण अधिकारियों जो कि अनुसंधान सर्कल, सर्कल और वार्डों संभाल रहे हैं।</p>

जहाँ एक आयकर सर्कल, वार्ड या जिला स्पेशल रेंज के उनके अंश इस अधिसूचना के अनुसार एक प्रभार के दूसरे प्रभार में स्थानान्तरण हो गये हो, इस अधिसूचना के जारी होने के सीधे पहले आयकर आयुक्त (अपील) के समीप उन आयकर वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश में हुई निर्धारणों से उद्भूत अपील लम्बित है और इस अधिसूचना के प्रभावशाली होने की तिथि से उन वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश से स्थानांतरित हुए मामलों का निपटारा आयकर आयुक्त (अपील) करेंगे जिनके अधीन उक्त वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश स्थानांतरित किए गए हैं।

यह अधिसूचना 15-11-88 से लागू होगा।

अधिसूचना संख्या 15/88-89 दिनांक 4-11-1989 जो दिनांक 15-11-88 से प्रभावी में प्रारूपण और टाईप की भूल सुधार संशोधन का इस अधिसूचना जारी की गई है। और यह तारीख 15-11-88 से लागू समझा जायेगा।

INCOME TAX DEPARTMENT

[Office of the Chief Commissioner of Income Tax (Admns.)]

Calcutta, the 17th November, 1989

S.O. 515.—No. II/89-90 : In exercise of powers conferred by sub-section (1) and (2) of section 120 of the Income Tax Act, 1961 (43 of 1961) and in exercise of the powers conferred by the Central Board of Direct Taxes, New Delhi vide its notification No. 7842 in (F. No. 279/17/88-ITJ S.O. 361(E) dated 1-4-1988 and all other powers enabling me in this behalf and in partial modification of notification No. 15/88-89 (ITO)/HQRS/TECH/30/88-89] dated 4-11-1988 and No. 17/88-89 (No. ITO/HQRS/TECH/30/88-89) dated 8/9-12-1988 (Memo No. ITO/HQRS/TECH/30/88-89/18043-18543 dated 13-12-1988), I, the Chief Commissioner of Income Tax (Administration), Calcutta, hereby direct that the Commissioner of Income Tax (Appeals) specified in column-2 of the schedule below, shall perform their functions in respect of such persons assessed to Income Tax or Wealth Tax or Gift Tax or Surtax or Interest Tax or Expenditure Tax in the Income Tax Wards, Circles, special Ranges specified in column-3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of section 246 of the Income Tax Act, 1961, clauses (a) to (e) of sub-section (1A) of section 23 of the Wealth Tax Act, 1957, clauses (a) to (e) of sub-section (1A) of section 22 of the Gift Tax Act, 1958 sub-section (1) of section-11 of Companies (Profit) Sur-Tax Act, 1984, sub-section (1) of section-15 of Interest Act, 1974 (45 of 1974) and sub-section (1) of section-22 of the Expenditure tax Act, 1987.

SCHEDULE OF JURISDICTION OF COMMISSIONERS OF INCOME TAX (APPEALS)
FUNCTIONING UNDER COMMISSIONER OF INCOME TAX (ADMN.) W.B. : CAL.

1	2	3
1. Commissioner of Income-tax (Appeals)-I Calcutta		All Assessing Officers holding Investigation Circles and Wards, functioning under:— (a) Deputy Commissioner of Income tax, Range-7 Calcutta. (b) Deputy Commissioner of Income tax, Jalpaiguri Range, Jalpaiguri.
2. Commissioner of Income-tax (Appeals)-II, Calcutta.		(a) Deputy Commissioner of Income tax, Special Range-3, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-3, Calcutta. (b) Deputy Commissioner of Income-tax, Special Range-13, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-13 Calcutta. (c) Deputy Commissioner of Income-tax Special Range-16, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-16, Calcutta. (d) All Assessing Officers holding Investigation Circles, circles and Wards functioning under Deputy Commissioner of Income-tax Range-2, Calcutta.

1	2	3
3.	Commissioner of Income-tax (Appeals)-III, Calcutta.	<p>(a) Deputy Commissioner of Income-tax Special Range-2, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-2, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Special Range-10, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-10, Calcutta.</p> <p>(c) Deputy Commissioner of Income-tax, Special Range-12, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-12, Calcutta.</p>
4.	Commissioner of Income-tax (Appeals)-VII, Calcutta.	All Assessing Officers holding Investigation Circles, Circles and Wards, functioning under Deputy Commissioner of Income-tax Range-1, Calcutta.
5.	Commissioner of Income-tax (Appeals)-VIII, Calcutta.	<p>All Assessing Officers holding Investigation Circles, Circles and Wards functioning under :</p> <p>(a) Deputy Commissioner of Income-tax, Range-10, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Range-15, Calcutta.</p>
6.	Commissioner of Income-tax (Appeals)-IX Calcutta.	<p>All Assessing Officers holding Investigation Circles and Wards functioning under :</p> <p>(a) Deputy Commissioner of Income-tax, Range-6 Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Range-II, Calcutta.</p> <p>(c) Deputy Commissioner of Income Tax, Range-20, Calcutta.</p> <p>(d) Deputy Commissioner of Income-tax, Range-21, Calcutta.</p>
7.	Commissioner of Income-tax (Appeals)-X, Calcutta.	<p>(a) Deputy Commissioner of Income-tax, Special Range-I, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income tax, Special Range-1, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Special Range-7, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-7, Calcutta.</p> <p>(c) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under deputy Commissioner of Income-tax, Range-13, Calcutta.</p> <p>(d) Deputy Commissioner of Income-tax, Special Range-11 and All Assessing Officers subordinate to Deputy Commissioner of Income-tax Special Range-11, Calcutta.</p>

1	2	3
		(e) Deputy Commissioner of Income-tax, Special Range-8, Calcutta and All Assessing Officer subordinate to Deputy Commissioner of Income-tax, Special Range-8, Calcutta.
		(f) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-8, Calcutta.
8. Commissioner of Income-tax, (Appeals)—XIV, Calcutta.		(a) Deputy Commissioner of Income-tax, Special Range-9, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-9, Calcutta.
		(b) All Assessing Officers holding Investigation Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-16, Calcutta.

Where an Income Tax Circle Ward or spl. Range or part thereof stands transferred by this notification from one charge to another, appeals arising out of the assessment made in these Income Tax Ward/Circles/Special Range or parts thereof and, pending immediately before the date from which this notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income Tax Ward/Circle/Special Range or part thereof is transferred shall, from the date from which this notification shall take effect, be transferred to and dealt with by the Commissioner of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

This notification shall take effect from 15-11-88.

This notification is passed to rectify certain drafting and typographical errors in notification No. 15/88-89 dated 4-11-1988, which was effective from dated 15-11-88, and shall be deemed to have come into effect from 15-11-88.

[No. ITO/HQ/TECH/30/88-89]

का. आ. 516.—संख्या: 12/89-90: आयकर अधिनियम, 1961 की धारा 120 की उप-धारा (1) और (2) द्वारा और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना संख्या 7842 दिनांक 1-4-88 फाईल संख्या 279/17/88—आई. टी. जे. एम. ओ. 361(ई) द्वारा प्रदत्त शक्तियों और इस दिशा में सक्षम बनाने वाली अन्य शक्तियों का प्रयोग करते हुए और अधिसूचना संख्या 16/88-89 (आ. अ./मुख्या/तक/ 30/88-89) दिनांक 1-11-1988, संख्या 18/88 (संख्या आ. अ. /मुख्या/तक/30/88-89 ता. 8/9-12-1988, संख्या 19/88 (संख्या आ. अ./मुख्या/तक./60/88-89) तारीख 22-2-1989, और संख्या 7/89-90 (जापन संख्या आ. अ./ मुख्या /तक/ 88-89/5270-5669 ता. 20-7-89) में आंशिक संशोधन करते हुए, में, मुख्य आयकर आयुक्त (तकनीकी), कलकत्ता, एतद्वारा निर्देश देता है कि आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (2) के खण्ड (ए) में (एच.) तक, धनकर अधिनियम, 1957 की धारा 23 की उप-धारा (1ए) के खंड (ए) में (ई) तक, दानकर अधिनियम, 1958 की धारा 22 की उपधारा (1 ए) खण्ड (ए) में (ई), तक, कम्पनी (लाभ) अतिकर, 1984 की धारा 11 की उप-धारा (1), ध्याजकर, 1974 (1974 का 45) की धारा 15 की उप-धारा (1) और व्यय कर, 1987 की धारा 22 की उप-धारा (1) तक पारित आदेशों के अनुसार स्तम्भ 3 में विनिर्दिष्ट बार्डों, सर्कल, स्पेशल रेंज के अन्तर्गत निर्धारित व्यक्तियों के आयकर या घन कर या दानकर या अतिकर या ध्याज कर या व्यय कर के सम्बन्ध में निम्न अनुसूची के स्तम्भ 2 में विनिर्दिष्ट आयकर आयुक्त (अपील) अपना कार्य करेंगे।

आयकर आयुक्त (तकनीकी) प. व. कलकत्ता के अधीन कार्यरत आयकर आयुक्त (अपील के क्षेत्राधिकार की अनुसूची

क्रम संख्या	आयकर आयुक्त का पदनाम, मुख्यालय संहिता	क्षेत्राधिकार
1	2	3
1.	आयकर आयुक्त (अपील)—IV कलकत्ता	(क) आयकर आयुक्त, स्पेशल रेंज-4, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-4, कलकत्ता के अधीनस्थल सभी निर्धारण अधिकारियों।

2	1	3
		<p>(ख) आयकर उपायुक्त, स्पेशल रेंज-14, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-14, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।</p> <p>(ग) आयकर उपायुक्त, स्पेशल रेंज-17, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-17, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(घ) आयकर उपायुक्त, रेंज-12, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।</p>
2. आयकर आयुक्त (अपील)—V, कलकत्ता		<p>(क) आयकर उपायुक्त, स्पेशल रेंज-5 कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-5, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारियों।</p> <p>(ख) आयकर उपायुक्त रेंज-18, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल और वार्ड संभाल रहे हैं।</p>
3. आयकर आयुक्त (अपील)—VI, कलकत्ता		<p>निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं :—</p> <p>(क) आयकर उपायुक्त, रेंज 3 कलकत्ता</p> <p>(ख) आयकर उपायुक्त रेंज 9, कलकत्ता। आयकर उपायुक्त, रेंज-5 कलकत्ता के अधीन कार्यरत सभी आयकर अधिकारी वार्ड-5 (11) से 5 (16) संभाल रहे हैं।</p>
4. आयकर आयुक्त (अपील)—XI, कलकत्ता		<p>निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं :—</p> <p>(क) आयकर उपायुक्त, रेंज 14, कलकत्ता।</p> <p>(ख) आयकर उपायुक्त, रेंज-17, कलकत्ता, निर्धारण अधिकारी, मुंशिदाबाद और नदिया समेत।</p>
5. आयकर आयुक्त (अपील)—XII, कलकत्ता		<p>आयकर उपायुक्त, रेंज-5, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं, वार्ड 5(11) से 5(16), कलकत्ता को छोड़कर।</p> <p>(ख) आयकर उपायुक्त, आसनसोल रेंज, आसनसोल, आसनसोल, (II) दुर्गापुर, (III) वर्धमान, (IV) सिउडी (V) वांकुडा और (VI) पुरुलिया में स्टेशन, के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।</p>
6. आयकर आयुक्त (अपील)—XIII, कलकत्ता		<p>(क) आयकर उपायुक्त, स्पेशल रेंज-15, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-15, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।</p>

1	2	3
		(ख) आयकर उपायुक्त, स्पेशल रेंज-6, कलकत्ता और आयकर उपायुक्त, स्पेशल रेंज-6, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।
		(ग) आयकर उपायुक्त रेंज-4, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।
		(घ) आयकर उपायुक्त, रेंज-19, कलकत्ता के अधीन सभी निर्धारण अधिकारी जो कि अनुसंधान सर्कल, सर्कल और वार्ड संभाल रहे हैं।
		(I) हुगली, (II) मिदनापुर और (III) हल्दिया में तैनात अधिकारियों समेत।

जहां एक आयकर सर्कल, वार्ड या स्पेशल रेंज अथवा उनके अंश इस अधिसूचना के अनुसार एक प्रभार में दूसरे प्रभार में स्थानांतरण हो गये हों, इस अधिसूचना के जारी होने के शीघ्र पहले आयकर उपायुक्त (अपील) के समक्ष उन आयकर वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश में हुई निर्धारणों से उद्भूत अपील लम्बित है और इस अधिसूचना के प्रभावशाली होने की तिथि से उन वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश से स्थानांतरित हुए मामलों का निपटान आयकर उपायुक्त (अपील) करेंगे जिनके अधीन उक्त वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश स्थानांतरित किए गए हैं।

यह अधिसूचना तारीख 15-11-88 से लागू होगी।

यह अधिसूचना तारीख 15-11-88 से प्रभावी अधिसूचना 16/88-89 तारीख 4-11-1988 में प्रावधान और टाईप की भूल सुधार संशोधन कर जारी की गई है और यह तारीख 15-11-88 से लागू समझा जायेगा।

[संख्या. आ. अ. मुज्या/तक /30/88-89]

ए. के. घोष, मुख्य आयकर उपायुक्त (तकनीकी I व II)

S.O. 516.— No. 12/89-90 : In exercise of powers conferred by sub-section (1) and (2) of section 120 of the Income Tax Act, 1961 (43 of 1961) and in exercise of the powers conferred by the Central Board of Direct Taxes, New Delhi vide its notification No. 7842 in F. No. 279/17/88-ITJ S.O. 361(E) dated 1-4-1988 and all other powers enabling me in this behalf and, in partial modification of notification No. 16/88-89 (ITO/HQRS/TECH/30/88-89) dated 4-11-1988, No. 18/88-89 (No. ITO/HQRS/TECH/30/88-89) dated 8/9-12-1988, No. 19/88 (No. ITO/HQRS/TECH/60/88-89) dated 22-2-1989, and No. 7/89-90 (Memo. No. ITO/HQ/Tech/88-89/5270-5669 dated 20-7-89) I, the Chief Commissioner of Income-tax (Technical) Calcutta, hereby, direct that the Commissioner of Income Tax (Appeals) specified in column-2 of the Schedule below, shall perform their functions in respect of such persons assessed to Income Tax or Wealth Tax or Gift Tax or Sur-tax or Interest Tax or Expenditure Tax in the Income Tax Wards, Circle, Special Ranges specified in column-3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income Tax Act, 1961, clauses (a) to (e) of sub-section (1A) of section 23 of the Wealth Tax Act, 1957 (27 of 1957), clauses (a) to (e) of sub-section (1A) of section 22 of the Gift Tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of Companies (Profit) Sur-Tax Act, 1984 (7 of 1984), Sub-section (1) of Section-15 of Interest Act, 1974 (45 of 1974) and Sub-section (1) of Section-22 of the Expenditure Tax Act, 1987 (35 of 1987).

**SCHEDULE OF JURISDICTION OF COMMISSIONER OF INCOME-TAX (APPEALS)
FUNCTIONING UNDER COMMISSIONER OF INCOME TAX (TECH), W.B. CALCUTTA**

Sl. No.	Designation of Commissioner of Income-tax (Appeals) with HQrs.	Jurisdiction
1	2	3
1.	Commissioner of Income-tax (Appeal)-IV, Calcutta.	<p>(a) Deputy Commissioner of Income Tax Special Range-4, Calcutta and All Assessing Officers Subordinate to Deputy Commissioner of Income-tax, Special Range-4, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax Special Range-14, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-14, Calcutta.</p> <p>(c) Deputy Commissioner of Income-Tax Special Range-17, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-17, Calcutta.</p> <p>(d) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-12, Calcutta.</p>
2.	Commissioner of Income-tax (Appeal)-V, Calcutta.	<p>(a) Deputy Commissioner of Income-tax Special Range-5, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-5, Calcutta.</p> <p>(b) All Assessing Officers holding Investigation Circles, Circles, and Wards functioning under Deputy Commissioner of Income-tax, Range-18 Calcutta.</p>
3.	Commissioner of Income Tax (Appeal)-VI, Calcutta.	<p>All Assessing Officers holding Investigation Circles, Circles and Wards functioning under :</p> <p>(a) Deputy Commissioner of Income-Tax Range-3, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Range-9, Calcutta.</p> <p>All Assessing Officers holding Wards 5(11) to 5(16) functioning under Deputy Commissioner of Income-tax, Range-5, Calcutta.</p>
4.	Commissioner of Income-tax, (Appeal)-IV, Calcutta.	<p>All Assessing Officers holding Investigation Circles, Circles and Wards functioning under :</p> <p>(a) Deputy Commissioner of Income-Tax, Range-14, Calcutta.</p> <p>(b) Deputy Commissioner of Income-tax, Range-17, Calcutta, including Assessing Officers at Murshidabad, and Nadia.</p>

1	2	3
5. Commissioner of Income Tax (Appeal)—XII, Calcutta.		All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-5 Calcutta, excluding Wards 5(11) to 5(16), Calcutta.
6. Commissioner of Income-tax, (Appeal)—XIII, Calcutta.		(b) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Asansol Range, Asansol stationed at Asansol (ii) Durgapur, (iii) Burdwan, (iv) Suri (v) Bankura and (vi) Purulia. (a) Deputy Commissioner of Income-tax, Special Range-15, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax Special Range-15 Calcutta. (b) Deputy Commissioner of Income-tax, Special Range-6, Calcutta and All Assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-6, Calcutta. (c) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-4, Calcutta. (d) All Assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-19, Calcutta including Officers stationed at : (i) Hooghly, (ii) Midnapore and (iii) Haldia.

Where an Income Tax Circle Ward or spl. Range or part thereof stands transferred by this notification from one charge to another, appeals arising out of the assessment made in these Income Tax Ward/Circles/Special Ranges or parts thereof and, pending immediately before the date from which this notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income Tax Ward/Circle/Special Range or part thereof is transferred shall, from the date from which this notification shall take effect, be transferred to and dealt with by the Commissioner of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

This notification shall take effect from 15-11-88.

This notification is passed to rectify certain drafting and typographical errors in notification No. 16/88-89 dated 4-11-1988, which was effective from dated 15-11-88, and shall be deemed to have come into effect from 15-11-88.

[No. ITO/HQ/TECH/30/88-89]
A. K. GHOSH, Chief Commissioner of
Income Tax (Technical I & II)

वाणिज्य मंत्रालय

नई दिल्ली, 25 फरवरी, 1990

का.आ. 517.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 3 के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963

(1963 का 22) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की अधिसूचना सं. का.आ. 2490 दिनांक 23 सितम्बर, 1989 में संशोधन करते हुए, 06 जनवरी, 1990 के अपराह्न से श्री के.एन. अर्धनरेश्वरन विशेष सचिव, वाणिज्य मंत्रालय को श्री सुरेन्द्र सिंह के स्थान पर निर्यात निरीक्षण परिषद् के अध्यक्ष के रूप में नियुक्त करती है।

[फाइल सं. 3(90)/85-ई आई एंड ई पी]

MINISTRY OF COMMERCE

New Delhi, the 25th February, 1990

S.O. 517.—In exercise of the powers conferred by section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with Rule 3 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government in modification of Notification S.O. No. 2490 dated 23rd September, 1989 hereby appoints Shri K. N. Ardhanareeswaran, Special Secretary, Ministry of Commerce, as Chairman of the Export Inspection Council with effect from the afternoon of 6th January, 1990 vice Shri Surendra Singh.

[F. No. 3(90)/85-EI&EP]

का.आ. 518.—केन्द्रीय सरकार, नियति (न्यायनिर्णय) नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नियति निरीक्षण परिपद, मृत्यु और सेवा निवृत्ति उपदान नियम, 1981 का और संशोधन करने के लिए निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम नियति निरीक्षण परिपद, मृत्यु और सेवा निवृत्ति उपदान (संशोधन) नियम, 1990 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. नियति निरीक्षण परिपद, मृत्यु और सेवा निवृत्ति उपदान नियम, 1981 में,—

(i) नियम (2) में,—

(क) खंड (अ) के नीचे स्पष्टीकरण के परन्तुक में “900 रुपए” शब्द और अंकों के स्थान पर “2900 रुपए” शब्द और अंक रखे जाएंगे;

(ख) खंड (1) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—

(1) “उपलब्धियों” से मूल नियमों के नियम 9 (21)(क)(i) में यथापरिभाषित मूल वेतन अभिप्रेत है जिसे परिपद का कर्मचारी यथास्थिति सेवा निवृत्ति से या नौकरी छोड़ने से या मृत्यु होने से ठीक पहले प्राप्त कर रहा था;

(ii) नियम 3 में, विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा, अर्थात् :—
“परन्तु ये नियम नियति निरीक्षण परिपद पेंशन और साधारण भविष्य निधि नियम, 1981 द्वारा शामिल कर्मचारियों को लागू नहीं होंगे।”

(iii) नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

4 “पाठना :—

(1) किसी कर्मचारी को निम्नलिखित परिस्थितियों में उपदान किया जाएगा, अर्थात् :—

(क) पद की समाप्ति पर छंटनी या स्थापना में कटौती किए जाने पर; या

(ख) शारीरिक या मानसिक दुर्बलता के कारण स्थायी निष्कृता के कारण सेवा निवृत्ति; या

(ग) अधिवर्षिता की आय प्राप्त कर लेने पर सेवा निवृत्ति; या

(घ) पदत्याग

(2) किसी कर्मचारी की सेवा में रहते हुए मृत्यु होने पर उसके परिवार के सदस्य(यों) को इन नियमों के अर्थात् उपदान किया जाएगा;

(4) नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“6. अनुज्ञेय उपदान की राशि :

(1) कोई कर्मचारी जो नियम 4 के उप नियम (1) द्वारा शामिल होता है और जिसने नियम 5 में विनिर्दिष्ट अर्हक सेवा पूरी कर ली है, उसे पूरी की गई अर्हक सेवा की प्रत्येक संपूरित छह मास की अवधि के लिए उसकी उपलब्धियों के एक चौथाई भाग के बराबर उपदान संदत्त किया जाएगा जो उसकी उपलब्धियों के 16 1/2 गुणा से अधिक नहीं होगा।

परन्तु यह कि संदेय सेवा निवृत्ति उपदान की राशि किसी भी दशा में एक लाख रुपए से अधिक नहीं होगी।

स्पष्टीकरण :

इस नियम के अधीन उपदान के परिकलन के प्रयोजन के लिए उपलब्धियों की कोई अधिकतम सीमा नहीं होगी।

(2) यदि किसी कर्मचारी की मृत्यु सेवारत रहते हुए हो जाती है तो उसके परिवार के सदस्यों को मृत्यु उपदान निम्नलिखित दरों पर अनुज्ञेय होगा :

सेवा काल	उपदान की दर
(1) एक वर्ष से कम	उपलब्धियों का दो गुना
(2) एक वर्ष या अधिक किन्तु 5 वर्ष से कम	उपलब्धियों का छः गुना
(3) 5 वर्ष या अधिक किन्तु 20 वर्ष से कम	उपलब्धियों का बारह गुना
(4) 20 वर्ष या अधिक	उपलब्धियों के अधिकतम 33 गुना के अधीन रहते हुए पूरी की गई अर्हक सेवा की प्रत्येक संपूरित छह मास की अवधि के लिये उपलब्धियों का आधा।

परन्तु यह कि मृत्यु उपदान की राशि किसी भी दशा में एक लाख रुपए से अधिक नहीं होगी।

टिप्पणी :

इस नियम के अधीन अर्हक सेवा की अवधि का परिकलन करते समय तीन मास और अधिक की अवधि के बराबर

वर्ष के किसी भाग को संपूरित आधा वर्ष माना जाएगा और उस अवधि को अर्धक वर्ष के रूप में गिना जाएगा।

6क. ऐसे व्यक्ति जिन्हें उपदान संदेय है :

(1) (क) नियम 6 के अधीन संदेय उपदान ऐसे कर्मचारी को या ऐसे व्यक्ति को संदेय किया जाएगा जिसे नियम 12 के अधीन नामनिर्देशन द्वारा उपदान प्राप्त करने का अधिकार प्रदत्त किया गया है।

(ख) यदि ऐसा कोई नामनिर्देशन नहीं है, या किया गया नाम निर्देशन अस्तित्व में नहीं है तो उपदान नीचे दी गई रीति से किया जाएगा ; अर्थात् :—

(i) यदि नियम 2 के खंड (ज) के उपखंड (i) से (iv) में यथानिर्दिष्ट परिवार के एक या अधिक सदस्य जीवित हैं तो ऐसे सभी सदस्यों को बराबर हिस्सों में।

(ii) यदि उप खंड (i) में यथानिर्दिष्ट परिवार का कोई सदस्य जीवित नहीं है, किन्तु नियम 2 के खंड (ज) के उपखंड (v) से (ix) में निर्दिष्ट एक या अधिक सदस्य हैं तो ऐसे सदस्यों को बराबर हिस्सों में।

(2) यदि किसी कर्मचारी की, सेवा निवृत्ति के पश्चात् नियम 6 के उप-नियम (i) के अधीन अनुज्ञेय उपदान प्राप्त किए बिना ही मृत्यु हो जाती है तो उपदान की राशि ऊपर उप-नियम (1) में विनिर्दिष्ट रीति में उसके परिवार के सदस्यों में संवितरित की जाएगी।

(3) ऐसे कर्मचारी के जिसकी सेवा काल में या सेवा निवृत्ति के पश्चात् मृत्यु हो जाती है, परिवार की महिला सदस्य या उसके भाई के उपदान में हिस्सा (शेयर) प्राप्त करने के अधिकार पर कोई प्रभाव नहीं पड़ेगा यदि कर्मचारी की मृत्यु के पश्चात् और उपदान का अपना हिस्सा (शेयर) प्राप्त करने में पहले महिला सदस्य विवाह करती है या दोबारा विवाह करती है, या भाई 18 वर्ष की आयु प्राप्त करता है।

(4) जहां नियम 6 के अधीन मृतक कर्मचारी के परिवार के अवयस्क सदस्य को उपदान दिया जाता है वहां उपदान उसके अभिभावक को उसकी ओर से संदेय होगा।

6ख. उपदान प्राप्त करने से व्यक्ति को विवर्जित करना :

इन नियमों में निहित किसी बात के होते हुए भी, कोई कर्मचारी उपदान प्राप्त करने का पात्र नहीं होगा यदि उसे गंभीर अवचर के कारण पदच्युत किया गया है या सेवा से हटा दिया गया है।

परन्तु यदि परिस्थितिवश आवश्यक हो तो नियम 10 में विनिर्दिष्ट सक्षम प्राधिकारी सविवेक से किसी ऐसे कर्मचारी को जिसे सेवा से गंभीर अवचर के कारण हटा दिया गया

है नियम 6 के उपनियम (1) में निर्दिष्ट उपदान की रकम का अंश प्राप्त करने का आदेश दे सकेगा।

6 ग. उपदान का व्ययगमन :

जहां किसी कर्मचारी की मृत्यु सेवारत रहते हुए या सेवा निवृत्ति के पश्चात् उपदान की रकम प्राप्त किए बिना हो जाती है और उसके पीछे कोई परिवार नहीं छोड़ा है और उसने—

(क) कोई नामनिर्देशन भी नहीं किया है, या

(ख) उसके द्वारा किया गया नामनिर्देशन अस्तित्व में नहीं है, तो ऐसे कर्मचारी को इन नियमों के अधीन संदेय मृत्यु और सेवा निवृत्ति के उपदान की रकम परिपद को खली जाएगी,

(v) नियम 9 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

9. कर्मचारी द्वारा संदेय या उससे वसूलनीय सभी राशियां इन नियमों के अधीन उसे या उसकी मृत्यु हो जाने की वशा में नियम 2 के खंड (ज) में निर्दिष्ट परिवार के किसी सदस्य से या उसके नाम निर्देशिनी या विधिक उत्तराधिकारी से उपदान की राशि का संदाय करते समय पूर्णतः वसूली की जा सकेगी ;

(vi) नियम 10 के खंड (क) और खंड (ख) के स्थान पर निम्नलिखित खंड रखे जाएंगे, अर्थात् :—

(क) अपर निदेशक की श्रेणी में
ऊपर के पदों के लिए अध्यक्ष

(ख) अपर निदेशक की श्रेणी तक के
पदों के लिए निदेशक

(ग) संयुक्त निदेशक की श्रेणी तक के
पद के लिए अपर निदेशक

(घ) उप निदेशक की श्रेणी तक के
पद के लिए संयुक्त निदेशक

[फाइल सं० 3/12/76—ई आई एण्ड ई पी]

मूल नियम कां०आ० 1607 तारीख 30-5-1981 द्वारा प्रकाशित किए गए और कां०आ० 2140 तारीख 21-6-1981

कां०आ० 828 तारीख 17-3-1984

कां०आ० 832 तारीख 17-3-1984 और

कां०आ० 5225 तारीख 16-11-1985 द्वारा संशोधित किए गए।

S.O. 518.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export Inspection Council Death-cum-Retirement Gratuity Rules 1981, namely:—

1. (1) These rules may be called the Export Inspection Council Death-cum-Retirement Gratuity (Amendment) Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export Inspection Council Death-cum-Retirement Gratuity Rules 1981:—

(i) in rule 2:—

(a) in the proviso to the Explanation below clause (j), for the word and figures "Rs. 900", the word and figures "Rs. 2900" shall be substituted;

(b) for clause (1), the following clause shall be substituted, namely:—

"(1) "emoluments" means the basic pay, as defined in rule 9(21) (a) (i) of the Fundamental Rules, which the employee was receiving immediately before his retirement or quitting the service or the date of his death, as the case may be";

(ii) in rule 3, for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that these rules shall not apply to employees governed by the Export Inspection Council Pension and General Provident Fund Rules, 1981";

(iii) for rule 4, the following rule shall be substituted, namely:—

"4 Eligibility :

(1) An employee shall be granted gratuity under the following circumstances namely:—

(a) retrenchment on abolition of post or reduction of establishment; or

(b) retirement due to permanent disability due to bodily or mental infirmity; or

(c) retirement on attaining the age of superannuation; or

(d) resignation.

(2) In the event of death of an employee while in service, the members of his family shall be granted gratuity under these rules";

(iv) for rule 6, the following rules shall be substituted, namely:—

"6. Amount of Gratuity Admissible:—

(1) An employee who is governed by sub-rule (1) of rule 4 and who has completed qualifying service specified in rule 5 shall be paid gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 16-1/2 times of the emoluments. Provided that the amount of retirement gratuity payable shall in no case exceed one lakh rupees.

Explanation :

There will be no ceiling on emoluments for the purpose of calculating gratuity under this rule.

(2) If an employee dies while in service, the death gratuity shall be admissible to the members of his family at the following rates:—

Length of Service	Rate of Gratuity
(i) Less than one year	2 times of the emoluments.
(ii) One year or more but less than 5 years.	6 times of the emoluments.
(iii) 5 years or more but less than 20 years.	12 times of the emoluments.
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of the emoluments:

Provided that the amount of Death Gratuity shall in no case exceed one lakh rupees.

Note :

In calculating the length of qualifying service under this rule, fraction of a year equal to three months and above shall be treated as completed one-half year and reckoned as qualifying service.

6A. Persons to whom gratuity is payable:—

(1) (a) The gratuity payable under rule 6 shall be paid to the employee or to the person on whom the right to receive gratuity is conferred by means of a nomination under rule 12.

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the following manner, namely:—

(i) if there are one or more surviving members of the family as referred to in sub clauses (i) to (iv) of clause (b) of rule 2, to all such members in equal shares;

(ii) if there are no surviving members of the family as specified in sub clause (i) but there are one or more members of the family as referred to in sub-clause (v) to (ix) of clause (b) of rule 2, to all such members in equal shares.

(2) If an employee dies after retirement without receiving the gratuity admissible under sub-rule (1) of rule 6, the gratuity shall be disbursed to the members of his family in the manner specified in sub-rule (1).

(3) The right of a female member of the family of an employee or that of a brother of an employee who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or remarries or the brother attains the age of eighteen years, after the death of the employee and before receiving her or his share of the gratuity.

(4) Where the gratuity is granted under rule 6 to minor member of the family of the deceased employee, it shall be payable to the guardian of the minor on his behalf.

6B. Debarring a person from receiving gratuity :

Notwithstanding any thing contained in these rules; an employee shall not be eligible to receive gratuity if he has been dismissed or removed from service for grave misconduct.

Provided that the competent authority specified in rule 10 may, at his discretion, order an employee who has been removed from service for grave misconduct to receive any portion of the amount of gratuity referred in sub rule (1) of rule 6, if the circumstances so warrant.

6C. Lapse of gratuity :

Where an employee dies while in service or after retirement without receiving the amount of gratuity and leave behind no family and he—

(a) has made no nomination, or

(b) the nomination made by him does not subsist;

the amount of death-cum-retirement gratuity payable in respect of such employee under these rules shall lapse to the Council.”;

(v) for rule 9, the following rule shall be substituted namely:—

“9. All dues payable by, or recoverable from, the employee may be recovered in full while making payment of gratuity under these rules to him or in case of his death to any member of his family referred to in clause (h) of rule 2 or to his nominee or legal heir;”

(vi) in rule 10, clauses (a) and (b), the following clauses shall be substituted namely :—

“(a) for posts above the rank of Additional Director	Chairman
(b) for posts upto the rank of Additional Director	Director
(c) for posts upto the rank of Joint Director	Additional Director
(d) for posts upto the rank of Deputy Director”	Joint Director

[F No. 3/12/76-EI&EP]

The principal rules were published vide

S.O. No. 1607 dated 30-5-1981 and amended by

S.O. No. 2140 dated 21-6-1981

S.O. No. 828 dated 17-3-1984

S.O. No. 832 dated 17-3-1984

S.O. No. 5225 dated 16-11-1985

का० आ० 519.—केन्द्रीय सरकार, नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नियति निरीक्षण अभिकरण, मृत्यु व सेवा निवृत्ति उपदान नियम, 1981 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम नियति निरीक्षण अभिकरण, मृत्यु व सेवा निवृत्ति उपदान, संशोधन नियम, 1990 है।

(2) ये राजस्व में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निम्नलिखित निरीक्षण अभिकरण, मृत्यु व सेवा निवृत्ति उपदान नियम, 1981 में,—

(i) नियम (2) में,—

(क) नीचे स्तम्भ (अ) के स्पष्टीकरण के प्रावधान में “900/-” हुए शब्द तथा अंक के स्थान पर “2900/-” हुए शब्द तथा अंक में रखे जाएंगे।

(ख) स्तम्भ (1) के स्थान पर निम्नलिखित स्तम्भ प्रतिस्थापित किया जाएगा, अर्थात् :—

(i) “परिश्रमिक” से अभिप्राय मूल नियमों के नियम 9 (21)(क)(i) में परिभाषित मूल वेतन से है जिसे अभिकरण का कर्मचारी सेवा निवृत्ति या नौकरी छोड़ने के या उसकी मृत्यु की तारीख के तुरन्त पश्चात् जैसा भी मामला हो, प्राप्त कर रहा था।”

(ii) नियम 3 में, विद्यमान प्रावधान के स्थान पर निम्नलिखित प्रावधान प्रतिस्थापित किया जाएगा, अर्थात् :—

“परन्तु यह तब जब कि ये नियम नियति निरीक्षण परिषद के पेंशन तथा सामान्य भविष्य निधि नियम, 1981 द्वारा कर्मचारियों को लागू नहीं होंगे।”

(iii) नियम 4 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

“4 पात्रता :

(1) कर्मचारी जो निम्नलिखित परिस्थितियों में उपदान दिया जाएगा, अर्थात् :—

(क) पद के उन्मूलन पर छटनी या प्रणामन की कमी ; या

(ख) शारीरिक या मानसिक दुर्बलता से हुई स्थायी निःशक्तता के कारण सेवा निवृत्ति ; या

(ग) अधिवर्षिता की आयु प्राप्त करने पर सेवा निवृत्ति ; या

(घ) पदत्याग

(2) किसी कर्मचारी की सेवा में रहते हुए मृत्यु होने पर उसके परिवार के सदस्य(यों) को नियमों के अधीन उपदान दिया जाएगा।”

(iv) नियम 6 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“6 अनुज्ञेय उपदान की राशि :—

(i) कोई भी कर्मचारी जो नियम 4 के उप नियम (1) द्वारा परिचालित है और नियम 5 के अनुसार अर्हक सेवा पूरी कर ली है उसे अर्हक सेवा की प्रत्येक संपूरित

छह मास की अवधि के लिए अधिकतम उपलब्धियों के 16-1/2 गुना के अधीन उसकी उपलब्धियों का एक चौथाई भाग के बराबर उपदान मिलेगा। परन्तु यह तब जब कि देय सेवा निवृत्ति उपदान की राशि किसी भी हालत में एक लाख से अधिक नहीं होगी।

स्पष्टीकरण :—

इस नियम के अन्तर्गत उपदान परिकलन के प्रयोजन के लिए उपलब्धियों पर कोई सीमा नहीं होगी।

(2) यदि किसी कर्मचारी की मृत्यु सेविस में हो जाती है तो उसके परिवार के सदस्यों को मृत्यु उपदान निम्नलिखित दरों पर अनुज्ञेय होगा :—

सेवा काल	उपदान की दर
(i) एक वर्ष से कम	उपलब्धियों का दो गुना
(ii) एक वर्ष या अधिक	उपलब्धियों का छह गुना
(iii) 5 वर्ष या अधिक परन्तु 20 वर्ष से कम	उपलब्धियों का बारह गुना
(iv) 20 वर्ष या अधिक	उपलब्धियों के अधिकतम 33 गुना के अधीन रहते हुए अर्हक सेवा के प्रत्येक संपूर्ण छह मास की अवधि के लिए उपलब्धियों का आधा।

परन्तु यह तब जब कि मृत्यु उपदान राशि किसी भी हालत में एक लाख रुपये से अधिक नहीं।

टिप्पणी :—

इस नियम के अन्तर्गत अर्हक सेवा की अवधि परिकलन करने में, तीन मास के बराबर और उससे अधिक समय के भंजन को आधा वर्ष के रूप में माना जाएगा और अर्हक सेवा के रूप में निर्धारित किया जाएगा।

6क व्यक्ति जिन्हें उपदान देय है :

(1) (क) नियम 6 के अन्तर्गत देय उपदान कर्मचारी को या उस व्यक्ति को दिया जाएगा जिसे नियम 12 के अन्तर्गत नाम निर्देशन द्वारा उपदान प्राप्त करने का अधिकार दिया गया है।

(ख) यदि ऐसा कोई नाम निर्देशन नहीं है या दिया गया नाम निर्देशित जीवित नहीं रहता तो उपदान नीचे दिए गए ढंग से दिया जाएगा :—

(i) यदि नियम (2) के खंडों (ज) के स्तम्भों (i) (iv) तक के अनुसार परिवार के एक या अधिक सदस्य जीवित हैं तो ऐसे सदस्यों को बराबर हिस्सों में।

(ii) यदि उपरोक्त उप-खंडों (i) के अनुसार परिवार का कोई भी सदस्य जीवित नहीं है, लेकिन नियम 2 के उप नियम (ज) के खंडों (v) में (ix) तक में एक या अधिक सदस्य हैं तो ऐसे सदस्यों को बराबर हिस्सों में।

(2) यदि किसी कर्मचारी की सेवा निवृत्ति के पश्चात् नियम 6 के उप नियम (i) के अन्तर्गत अनुज्ञेय उपदान प्राप्त किए बिना मृत्यु हो जाती है तो उपदान की राशि ऊपर उप नियम (1) में दिए गए ढंग से परिवार के सदस्यों में वितरित की जाएगी।

(3) कोई कर्मचारी जिसकी सेवा काल में या सेवा निवृत्ति के पश्चात् मृत्यु हो जाती है तो उसके परिवार की महिला सदस्य या उसके भाई को उपदान राशि का हिस्सा प्राप्त करने में कोई अन्तर नहीं पड़ेगा यदि कर्मचारी की मृत्यु के पश्चात् और उसका उपदान का हिस्सा प्राप्त करने से पहले महिला सदस्य शादी करती है या दोबारा शादी करती है या भाई 18 वर्ष की आयु का है।

(4) जहां नियम (6) के अन्तर्गत मृत कर्मचारी के परिवार के अव्यस्यक सदस्य को उपदान दिया जाता है तो वह अव्यस्यक की ओर से उसके अभिभावक को दिया जाएगा।

6 (ख) उपदान प्राप्त करने के व्यक्ति को सूचित करना :—

इन नियमों में निहित किसी भी बात के होने हुए भी ;

(1) कोई भी कर्मचारी उपदान प्राप्त करने योग्य नहीं होगा जिसे दुर्घटन के कारण सेविस से बर्खास्त / हटा दिया गया हो।

परन्तु यह तब जब यदि नियम 10 के अनुसार सक्षम प्राधिकारी अपनी इच्छा से आदेश करता है कि कर्मचारी जो सेविस से दुरे आचरण के लिए हटा दिया गया है वह नियम 6 के स्तम्भ (1) के अनुसार उपदान की राशि का भाग प्राप्त कर सकता है यदि परिस्थितियां ऐसी बनती हैं।

6 ग. उपदान की समाप्ति :

जहां किसी कर्मचारी की सेवा काल में या सेवा निवृत्ति के पश्चात् उपदान राशि प्राप्त किए बिना मृत्यु हो जाती है और उसका कोई परिवार भी नहीं रहता और वह :—

(क) कोई नाम निर्देशन भी नहीं करता है, या

(ख) उसके द्वारा दिया गया नाम निर्देशित भी जीवित नहीं रहता है तो उस कर्मचारी को देय मृत्यु सेवा निवृत्ति उपदान इन नियमों के अन्तर्गत परिपद में रद्द हो जाएगा।

(V) नियम 9 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात्:—

“9. कर्मचारी को देय राशि और या उससे वसूलियां यदि उसकी मृत्यु हो जाती है, नियम 2 के खंड (ज) में निर्दिष्ट परिवार के किसी भी सदस्य से या उसमें नामित से इन नियमों के अन्तर्गत उपदान राशि का भुगतान करते समय पूर्ण रूप से वसूल की जा सकती है, या

(iv) नियम 10 में खंड (क) और (ख) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

- (क) अपर निदेशक की श्रेणी के पदों के लिए निदेशक
- (ख) संयुक्त निदेशक की श्रेणी तक के पद के लिए अपर निदेशक
- (ग) उप निदेशक की श्रेणी तक के पद के लिए संयुक्त निदेशक

[फाइल सं० 3/12/76—ईआईएण्ड ईपी]

का०आ० 1607 तारीख 30-5-1981 द्वारा मूल नियम प्रकाशित किए गए और का०आ० 2140 तारीख 21-6-1981

का०आ० 828 तारीख 17-3-1984

का०आ० 832 तारीख 17-3-1984

का०आ० 5225 तारीख 16-11-1985 द्वारा संशोधित ।

S.O. 519.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby makes the following rules further to amend the Export Inspection Agency Death-cum-Retirement Gratuity Rules 1981, namely :—

1. (1) These rules may be called the Export Inspection Agency Death-cum-Retirement Gratuity (Amendment) Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export Inspection Council Death-cum-Retirement Gratuity Rules 1981 :—

(i) in rule 2,

(a) in the proviso to the explanation below clause (j) for the word and figures “Rs. 900” the word and figures “Rs. 2900” shall be substituted;

(b) for clause (1), the following clause shall be substituted, namely:—

“(1) “emoluments” means the basic pay, as defined in rule 9(21) (a) (i) of the Fundamental Rules, which the employee was receiving immediately before his retirement or quitting the service or the date of his death, as the case may be”;

(ii) in rule 3, for the existing proviso, the following proviso shall be substituted namely :—

“Provided that these rules shall not apply to employees governed by the Export Inspection Council Pension and General Provident Fund Rules, 1981”;

(iii) for rule, the following rule shall be substituted namely:—

“4. Eligibility :

(1) An employee shall be granted gratuity under the following circumstances namely :—

- (a) retrenchment on abolition of post or reduction of establishment; or
- (b) retirement due to permanent disability due to bodily or mental infirmity; or
- (c) retirement on attaining the age of superannuation; or
- (d) resignation.

(2) In the event of death of an employee while in service, the members of his family shall be granted gratuity under these rules”;

(iv) for rule 6, the following rules shall be substituted namely:—

“6. Amount of Gratuity Admissible:—

(1) An employee who is governed by sub-rule (1) of rule 4 and who has completed qualifying service specified in rule 5 shall be paid gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 15-1/2 times of the emoluments. Provided that the amount of retirement gratuity payable shall in no case exceed one lakh rupees.

Explanation :

There will be no ceiling on emoluments for the purpose of calculating gratuity under this rule.

(2) If an employee dies while in service the death gratuity shall be admissible to the members of his family at the following rates :—

Length of Service	Rate of Gratuity
(i) Less than one year	2 times of the emoluments.
(ii) One year or more but less than 5 years	6 times of the emoluments.
(iii) 5 years or more but less than 20 years.	12 times of the emoluments.
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of the emoluments:

Provided that the amount of Death Gratuity shall in no case exceed one lakh rupees.

Note :

In calculating the length of qualifying service under this rule, fraction of a year equal to three months and above shall be treated as completed one-half year and reckoned as qualifying service.

6A. Persons to whom gratuity is payable:—

(1) (a) The gratuity payable under rule 6 shall be paid to the employee or to the person on whom the

right to receive gratuity is conferred by means of a nomination under rule 12.

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the following manner, namely :—

(i) if there are one or more surviving members of the family as referred to in sub-clauses (i) to (iv) of clause (h) of rule 2, to all such members in equal shares;

(ii) if there are no surviving members of the family as specified in sub clause (i), but there are one or more members of the family as referred to in sub-clause (v) to (ix) of clause (h) of rule 2, to all such members in equal shares

(2) If an employee dies after retirement without receiving the gratuity admissible under sub-rule (1) of rule 6 the gratuity shall be disbursed to the members of his family in the manner specified in sub-rule (1).

(3) The right of a female member of the family of an employee or that of a brother of an employee who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or remarries or the brother attains the age of eighteen years, after the death of the employee and before receiving her or his share of the gratuity.

(4) Where the gratuity is granted under rule 6 to a minor member of the family of the deceased employee, it shall be payable to the guardian of the minor on his behalf.

6B. Debarring a person from receiving gratuity :

Notwithstanding any thing contained in these rules; an employee shall not be eligible to receive gratuity if he has been dismissed or removed from service for grave misconduct.

Provided that the competent authority specified in rule 10 may, at his discretion, order an employee who has been removed from service for grave misconduct to receive any portion of the amount of gratuity referred in sub-rule (1) of rule 6, if the circumstances so warrant.

6C. Lapse of gratuity :

Where an employee dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and he—

(a) has made no nomination, or

(b) the nomination made by him does not subsist. the amount of death-cum-retirement gratuity payable in respect of such employee under these rules shall lapse to the Agency;"

(v) for rule 9, the following rule shall be substituted, namely:—

"9 All dues payable by, or recoverable from, the employee may be recovered in full while making payment of gratuity under these rules to him or in case of his death to any member of his family referred to in clause (h) of rule 2 or to his nominee or legal heir."

(vi) in rule 10, for clauses (a) and (b), the following clauses shall be substituted, namely :—

"(a) for posts upto the rank of Additional Director

(b) for posts upto the rank of Joint Director

Additional Director

(c) for posts upto the rank of Deputy Director

Joint Director

[F. No. 3/12/76-EI&EP]

The principal rules were published vide

S.O. No. 1607 dated 30-5-1981 and amended by

S.O. No. 2140 dated 21-6-1981

S.O. No. 828 dated 17-3-1984

S.O. No. 832 dated 17-3-1984

S.O. No. 5225 dated 16-11-1983

नई दिल्ली, 3 मार्च, 1990

का० आ० 520.—केन्द्रीय सरकार नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टाटा आयरन एण्ड स्टील कम्पनी, लिमिटेड, (टयूब डिब्बोजन) की अनुसूची में विनिर्दिष्ट उपाखण्ड के अनुसार स्टील टयूबों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड, (टयूब डिब्बोजन) जमशेदपुर को जिनका रजिस्ट्रीकृत कार्यालय, बम्बई हाऊस, 24 होमीमोदी स्ट्रीट, बम्बई-400023 में है, 13 सितम्बर, 1989 से तीन और वर्ष की अवधि के लिए का०आ० 3096 तारीख 13-9-1986 के अनुसार अधिसूचित शर्तों के रहते हुए, अभिकरण के रूप में मान्यता देती है।

[फाइल सं० 5(5)/86/ईआई एण्ड ईपी]

ए०के० चौधरी, निदेशक

अनुसूची

1. फ्रेटज मून प्रोसेस टयूब

1/2" से 3" एन बी-15 मि०मी० से 80 मि०मी० नोमिनल थोर (लगातार वैल्वेड/टयूबों/होट फिनिशेड वैल्वेड) के अनुसार आईएस: 1239 (भाग-1, आईएस: 1161—ग्रेड वाइएसटी 220 बीएस: 1387, एसटीएम ए-120 अनुसूची-40, एसटीएम ए-53 अनुसूची-40 टाईप एफ, एपीआई एसटीडी, 5 एल० या दूसरे सुसंगत राष्ट्रीय/अन्तर्राष्ट्रीय मानकों के अनुसार।

2. इम्पारडब्ल्यू/इम्प्राइडब्ल्यू टयूब एण्ड सीइडब्ल्यू (कोल्डड्रॉन इम्पारडब्ल्यू/इम्प्राइडब्ल्यू टयूब)

इम्पारडब्ल्यू/इम्प्राइडब्ल्यू टयूब-5/8" से 3" ओ०डी० (15.88 मि०मी० से 76.2 मि०मी०),

सीइडब्ल्यू टयूब-0.39" से 2.80" (10 से 72 मि०मी०) के अनुसार आईएस: 1914, आईएस: 1978, आईएस: 2039, आईएस: 3074, आईएस: 3601, आईएस: 7138 एण्ड: आईएस: 8036, एपीआई-5 एल,

Director

बीएस : 980, बीएस : 1717, बीएस : 1775, बीएस : 3059, एण्ड बीएस : 6323 एसटीएमए-178 एण्ड एसटीएमए-214, जेम्हाइएमजी 3445 या दूसरे सुसंगत राष्ट्रीय/अन्तर्राष्ट्रीय मानकों के अनुसार ।

3. सीलैस ट्यूबों

हौटफिनिशड-1.900"—9.625" (48.3 मि०मी०—244.50 मिमी०) कोल्ड ड्रोन—1.250"—6.260" (31.8 मि०मी० से 159.0 मि०मी०) के अनुसार

एपीआई 5 सीटी० एपीआई 5 एल, आईएस : 1978, आईएस : 1979, बीएस : 1775 आईएस : 3601, आईएस : 1161, बीएस : 980, आईएस : 3074, डीआईएन : 2391, बीएस : 6323, भाग-3, बीएस : 6323 भाग-4, आईएस-4270, बीएस-4019, भाग-1, आईएस : 1914, आईएस : 2416, बीएस : 3059, भाग-1 और भाग-2 आईएस : 9295, आईएस : 1239, बीएस : 1387 एसटीएमए-53, एसटीएमए-120, एसटीएमए-179, एसटीएमए-200, एसटीएमए-161, बीएस : 3601, बीएस : 3602, बीएस : 3604, एसटीएमए-333, एसटीएमए-334, एसटीएमए-106, एसटीएमए-335, एसटीएमए-192, 209, 210, 213, बीएस : 806 या दूसरे सुसंगत राष्ट्रीय/अन्तर्राष्ट्रीय मानकों के अनुसार ।

New Delhi, the 3rd March, 1990

S.O. 520.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Tata Iron & Steel Co. Ltd., (Tube Division), having their registered office at Bombay House, 24, Homi Mody Street, Bombay-400023 as the agency, for a further period of three years w.e.f. 13th September, 1989 for inspection of Steel Tubes, as per schedule annexed, manufactured at M/s. Tata Iron & Steel Co. Ltd., (Tube Division), Jamshedpur, prior to export, subject to the conditions notified vide S.O. 3096 dated 13-9-1986.

[F. No. 5(5)/86/EI&EP]

A. K. CHAUDHURI, Director

SCHEDULE

1. Fretz Moon Process Tubes :

1½" to 3" N. B.—15 mm to 80 mm Nominal Bore (Continuous weld tubes/hot finished welded as per IS : 1239 (Part-1), IS : 1161 Grade YST 220, BS : 1387, ASTM-120, Schedule 40 ASTM A-53 Schedule-40 Type F, A15 Std. PL, or as per other relevant National/International Standards.

2. ERW/EIW Tubes & CEW (Cold Drawn ERW/EIW tubes) :

2. ERW/EIW Tubes 5½" to 3" O.D. (15.88 mm to 76.2 mm), CEW tubes—0.39" to 2.80" (10 to 72 mm), as per IS:1914, IS:1978, IS:2039, IS:3074, IS:3601, IS:7138 and IS:8036, API—5 L, BS:980, BS:1717, BS:1775, BS:3059, and BS:6323 ASTM A—178 and ASTM A-214, JIS G 2445 or as per other relevant National/International Standards.

3. Seamless Tubes :

Hot finished—1.900"—9.625" (48.3 mm—244.50 mm) Cold Drawn—1.250"—6.260" (31.8 mm to 159.0 mm) as per API 5 CT, API 5 L, IS:1978, IS:1979, BS:1775, IS:3601, IS:1161, BS:980, IS:3074, DIN:2391, BS:6323 Part-3 BS:6323 Part-4, IS:4270, BS:4019, Part-I, IS:1914, IS:2416, BS:3059, Part-I and Part-2, IS:9295, IS:1239, BS:1387, ASTM—A-53, ASTM—A-120, ASTM—A-179, ASTM—A-161 ASTM—A-200, BS:3061, BS:3602, BS:3604, ASTM—A-333, ASTM—A-334, ASTM—A-106, ASTM—A-335, ASTM—A-192, 209, 210, 213; BS : 806 or as per other relevant National/International Standards.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 31 जनवरी, 1990

का० आ० 521.—मैसर्स इंडियन पैट्रोकेमिकल्स कारपोरेशन लिमिटेड, पी०ओ० पैट्रोकेमिकल्स—391346, जिला-बड़ोदरा, गुजरात को मुक्त विदेशी मुद्रा के अन्तर्गत एन्टेक 703 सी पापरो कैमिलम इनीसेंट नाइट्रोजन सिस्टम बल सेट के आयात के लिए 4,08,400/-रुपए (चार लाख आठ हजार और चार सौ रुपए मात्र) के लिए एक आयात लाइसेंस संख्या आई/सी०जी०/2044896 दिनांक 30-6-89 दिया गया था ।

फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क/मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क/मुद्रा विनियम नियंत्रण प्रति फर्म से खो अथवा गुम हो गई है । आगे यह भी उल्लेख किया है कि लाइसेंस की सीमाशुल्क प्रति/मुद्रा विनियम नियंत्रण प्रति किसी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराई गई थी इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है ।

2. अपने तर्कों के समर्थन में, लाइसेंसधारी ने नोटरी पब्लिक, बड़ोदरा के समक्ष विधिवत शपथ लेकर एक शपथपत्र दाखिल किया है । तदनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस सं० आई/सी०जी०/2044896 दिनांक 30-6-89 की मूल सीमाशुल्क प्रयोजन/मुद्रा विनियम नियंत्रण प्रति फर्म से खो या गुम हो गई है । 7-12-1955 के यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की उपधारा 9 (गग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडियन पैट्रोकेमिकल्स कारपोरेशन लिमिटेड, बड़ोदरा को जारी उक्त मूल सीमाशुल्क प्रयोजन/मुद्रा विनियम नियंत्रण प्रति संख्या आई/सी०जी०/2044896 दिनांक 30-6-89 को एतद्वारा रद्द किया जाता है ।

3. उक्त लाइसेंस की सीमाशुल्क प्रयोजन/मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति पार्टी को अलग से जारी की जा रही है ।

[सं० सी०जी०-2/सी एण्ड एफ/4/89-90]

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 31st January, 1990

S.O. 521.—M/s. Indian Petrochemicals Corporation Ltd, P.O. Petrochemicals-391346, distt. Vadodara, Gujarat were granted an import licence No. I/CG/2044896 dated 30-6-89 for Rs. 4,08,400 (Rupees four lacs eight thousand and four hundred only) for import of Antek 703c Pyro Chemilum Incescent Nitrogen system-One set under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs/Ex. Control copy of the above mentioned licence on the ground that the original Customs Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes/Exchange Control copy of the licence was not registered with any Customs Authority and as such the value of Customs Purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Vadodara. I am accordingly satisfied that the original Customs purposes/Exchange Control copy of import licence No. I/CG/2044896 dated 30-6-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said original Customs Purposes/Exchange Control copy No. I/CG/2044896 dt. 30-6-89 issued to M/s. Indian Petrochemicals Corporation Ltd., Vadodara is hereby cancelled.

3. A duplicate Customs/Exchange Control copy of the said licence is being issued to the party separately.

[No. CGII/C&F/4/89-90]

आदेश

नई दिल्ली, 12 फरवरी, 1990

का० आ० 522.—मै० मारुति उद्योग लि०, पालम, गुडगांव रोड, गुडगांव को मुक्त विदेशी मुद्रा के अन्तर्गत पूंजीगत माल का आयात करने हेतु रुपये 61850/- (इक्कसठ हजार, आठ सौ पचास रुपये मात्र) के लिए दिनांक 17-10-89 का एक आयात लाइसेंस सं० 1/सी०जी०/2045005/सी/एकमएक्स/14/एच/89/सी० जी०/2/एलएस स्वीकृत किया गया था।

फर्म ने उपर्युक्त लाइसेंस की दूसरी प्रति हेतु इस आधार पर आवेदन किया है कि मूल लाइसेंस इनसे खो गया है या गुम हो गया है। आगे यह भी कहा गया है कि उक्त लाइसेंस को किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाया गया था और इस कारण से उसके मूल्य का कहीं उपयोग नहीं किया गया है।

2. इस दावे के अनुसमर्थन में लाइसेंसधारी ने नोटरी पब्लिक दिल्ली के समक्ष विधिवत् शपथ लेते हुए स्टाम्प पेपर पर एक हलफनामा भी प्रस्तुत किया है। तदनुसार, मैं संतुष्ट हूँ कि 17-10-89 का मूल आयात लाइसेंस सं० 1/सी०जी०/2045005 फर्म से खो गया है या गुम हो गया है। यथामंशोधित 7-12-1955 के आयात (नियंत्रण)

आदेश, 1955 की उपधारा 9(ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मै० मारुति उद्योग लि० गुडगांव को जारी किए गए 17-10-89 के मूल आयात लाइसेंस सं० 1/सी०जी०/2045005 को एतद्वारा रद्द किया जाता है।

3. उक्त लाइसेंस की दूसरी प्रति पार्टी को अलग से जारी की जा रही है।

[सं० सी०जी०-2/आई डी/23/89-90]

बी०आर० अहीर, उप मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 12th February, 1990

S.O. 522.—M/s. Maruti Udyog Ltd., Palam-Gurgaon Road, Gurgaon, were granted an import licence No. I/CG/2045005/C/XX/14/II/89/CGII/LS dated 17-10-89 for Rs. 61,850 (Rupees sixty one thousand eight hundred and fifty only) for import of capital goods under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original licence has been lost or misplaced. It has further been stated that the licence was not registered with any Customs Authority and as such the value of import licence has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Delhi. I am accordingly satisfied that the original import licence No. I/CG/2045005 dt. 17-10-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said original import licence No. I/CG/2045005 dt. 17-10-89 issued to M/s. Maruti Udyog Ltd., Gurgaon is hereby cancelled.

3. A duplicate copy of the said licence is being issued to the party separately.

[No. CGII/ID-23/89-90]

B. R. AHIR, Dy. Chief Controller of Imports and Exports

आदेश

नई दिल्ली, 8 फरवरी, 1990

का० आ० 523.—मैसर्स एरिस्टो अंधे कैम (इंडिया) प्रा० लि०, डी 68 एम आई डी सी एरिया, थाने को सामान्य मुद्रा क्षेत्र के अन्तर्गत 2 ईथाइल हैक्मिल एक्रिलेट और ट्राइक्लोरो एथिलीन के आयात के लिए 11,08,380/-रु० (मात्र ग्यारह लाख, आठ हजार, तीन सौ आठ रुपये) मूल्य का आयात लाइसेंस सं० पी/एस/1094582, दिनांक 18-2-88 दिया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुविधि प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन प्रति खो गई या गुम हो गई है। आगे यह भी कहा गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति, सीमाशुल्क प्राधिकारी बम्बई के पास पंजीकृत थी और सीमाशुल्क प्रयोजन प्रति के 5,38,330 रुपये मूल्य तक का उपयोग किया गया है।

3. अपने तर्क के समर्थन में लाइसेंसधारी ने विशिष्ट मेट्रोपोलिटन मजिस्ट्रेट, बम्बई के सामने विधिवत शपथ लेकर स्टाम्पड कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस सं० पी/एम/1094582, दिनांक 18-2-88 की मूल सीमाशुल्क प्रयोजन प्रति फर्म द्वारा खो गई या गुम हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप धारा 9 (ग) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एरिस्टो अधेकेम (इंडिया) प्रा० लि० को जारी किए गए आयात लाइसेंस सं० पी/एम/1094582, दिनांक 18-2-88 की उक्त मूल सीमाशुल्क प्रयोजन प्रति एतद्वारा रद्द की जाती है।

4. उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है।

[सं० मन्त्री/एन एम-10/1057/एम एम आई/एम-88/
एम एल एम]

से० कुजूर, उप मुख्य नियंत्रक आयात-निर्यात
कृते मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 8th February, 1990

S.O. 523.—M/s. Aristo Adhechem (India) Pvt. Ltd., D-68, MIDC Area, Thane were granted an import licence No. P/S/1094582 dated 18-2-1988 for Rs. 11,08,380 (Rupees Eleven Lakhs, Eight thousand, three hundred and eighty only) for import of 2 Ethyl Hexyl Acrylate and Trichloro Ethylene under G.C.A.

2. The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was registered with Customs Authority Bombay and as such the value of Customs Purpose copy has been utilised for Rs. 5,38,330.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before Special Metropolitan Magistrate, Bombay. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/S/1094582 dated 18-2-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy No. P/S/1094582 dated 18-2-88 issued to M/s. Aristo Adhechem (India) Pvt. Ltd., is hereby cancelled.

4. A duplicate Customs Purposes Copy of the said licence is being issued to the party separately.

[No. Suppl/NS-10/1057/SSII/AM-88/SLS]

S. KUJUR, Dy. Chief Controller of Imports and Exports.
for Chief Controller of Imports and Exports.

संयुक्त मुख्य नियंत्रक आयात-निर्यात का कार्यालय, (केन्द्रीय लाइसेंसिंग क्षेत्र)

निरसन आदेश

नई दिल्ली, 22 जनवरी, 1990

का० आ० 524.— मैसर्स ए०के० हैन्डीक्राफ्ट्स, 38 (एल०आई०जी), प्रसाद नगर, न्यू दिल्ली को विभिन्न साईज

के 160 कि०ग्रा० एस्सोर्टेड आइवरी बैंगलस के निर्यात के लिए 428000/-रु० के एफ०ओ०बी मूल्य के आधार के साथ 142200/-रु० के 184 कि०ग्रा० अगढ़ित आइवरी के आयात के लिए एक अग्रिम लाइसेंस सं० पी/के/2441499 दिनांक 03-02-1987 तथा डीईईसी बुक सं० 001202 दिनांक 03-02-1987 प्रदान की गई थी।

फर्म ने अग्रिम लाइसेंस सं० पी/के/2441499 दिनांक 03-02-1987 तथा डीईईसी भाग-2 दोनों प्रतियां बिना उपयोग किये अभ्यर्पित कर दिए हैं।

आज तक यथा संशोधित आयात नियन्त्रण आदेश, 1955 दिनांक 07-12-1955 के भाग 9(डी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा अग्रिम लाइसेंस सं० पी/के/2441499 दिनांक 03-02-1987 तथा डीईईसी बुक सं० 001202 भाग-1 तथा 2 दिनांक 03-02-1987 के निरसन का आदेश देता हूँ।

[फा०सं० एड्वांस/आई०/यू डी ई एम/25/एम-87/एएलएस-2/
सी एल ए]

OFFICE OF THE JOINT CHIEF CONTROLLER OF
IMPORTS & EXPORTS (CENTRAL LICENSING AREA)

CANCELLATION ORDER

New Delhi, the 22nd January, 1990

S.O. 524.—M/s. A. K. Handicrafts, 36 (L.I.G.), Prasad Nagar, New Delhi was granted an advance Licence No. P/K/2441499 dt. 3-2-87 and DEEC Book No. 001202 dt. 3-2-87 for import of 184 Kgs. of Ivory Un-manufactured for Rs. 1,42,200 with an obligation for FOB value of Rs. 4,28,000 to export 160 Kgs. of Assorted Ivory Bangles of Different Sizes.

The firm has surrendered both copies of Advance Licence No. P/K/2441499 dt. 3-2-87 and DEEC Book Pt. II unutilised.

In exercise of the powers conferred on me under Section (9d) of the Import (Control) order, 1955 dt. 7-12-55 as amended upto date, I hereby, order cancellation of both copies of Advance Licence No. P/K/2441499 dt. 3-2-87 and DEEC Book No. 001202 Pt. I & II dt. 3-2-87.

[F. No. ADV/LIC/UDS/25/AM/87/ALS.II/CLA]

निरसन आदेश

नई दिल्ली, 31 जनवरी, 1990

का० आ० 525.—मैसर्स हिल्टन रबड़ लिमिटेड, ए०-23, ग्रीन पार्क एक्स्पेंशन, नई दिल्ली को 13574000/- रु० के एफ०ओ०बी मूल्य की इन्डस्ट्रीयल "बी" बैल्ट-10, 88 लाख मीटर निर्यात के निर्यात आधार के लिए 5285745 रु० के सी०आई०एफ० मूल्य का 1. डिप्ट पोलियमिटर कोर तथा चार्जशीट-63,451 कि०ग्रा० (2) सिन्थेटिक रबड़-18,190 किलो ग्राम (3) नेचुरल रबड़ 75,970 किलो ग्राम (4) जिक आक्माड 14,445 किलो ग्राम (5) कार्बन ब्लैक 46,331 किलो ग्राम (6) रबड़ एन्टीओक्सीडेंट 1316 किलो ग्राम (7) रबड़ एन्टीओक्सीडेंट-1712 किलो ग्राम और (8) नायलोन यार्न 856 किलो ग्राम के आयात के लिए डीईईसी बुक सं० 004231 और 004232 (कलकत्ता) दिनांक 1-12-82 प्रदान किए गए थे।

कर्म ने सूचना दी है कि डीईईसी बुक सं० 004231-004232 (कलकत्ता) दिनांक 10-12-82 सीमाशुल्क सदन, कलकत्ता के पास पंजीकरण के बाद कहीं अस्थानस्थ हो गयी/खो गयी है।

कर्म ने प्रक्रिया पुस्तक 1988-91 के पैरा-91 के अन्तर्गत यथा आपेक्षित उपर्युक्त विवरण के समर्थन में एक शपथ पत्र दर्ज किया है। मैं सन्तुष्ट हूँ कि डीईईसी बुक संख्या 004231-004232 दिनांक 10-12-82 खो गयी है/अस्थानस्थ हो गयी है।

आज तक यथा संशोधित आयात (नियन्त्रण) आदेश 1955 दि० 7-12-55 के भाग 9(डी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुये मैं एतद्वारा उक्त डीईईसी बुक सं० 004231-004232 दिनांक 10-12-82 को निरस्त करने का आदेश देता हूँ।

प्रक्रिया पुस्तक 1988—91 के पैरा-91 के अनुसार आवेदक को डीईईसी बुकों की दूसरी प्रतियां जारी करने पर विचार किय जायेगा बशर्ते कि वे अधोहस्ताक्षरी की सन्तुष्टी के लिए आपेक्षित दस्तावेज प्रस्तुत करें।

[फा० सं० एडवांस/नाई०/यूडीईएस/199/एम-83/एएसएस-2/सीएलए]

एन०डी० अग्निहोत्री, उप मुख्य नियंत्रक आयात व निर्यात कृते संयुक्त मुख्य नियंत्रक आयात व निर्यात

CANCELLATION ORDER

New Delhi, the 31st January, 1990

S.O. 525.—M/s. Hilton Rubber Ltd., S-23, Green Park Extn., New Delhi were granted DEEC Book No. 004231 and 004232 (Calcutta) dt. 10-12-82 for import of (1) Dipped polyester cor and warpsheet-63, 451kgs. (2) Synthetic rubber-18, 190 kgs. (3) Natural Rubber-75, 970 kgs. (4) Zinc Oxide-14,445 Kgs. (5) Carbon Black-46, 331 Kgs. (6) Rubber Accelerator-1316 Kgs. (7) Rubber Antioxidant-1712 Kgs. and (8) Nylon Yarn-856 Kgs. for cif value of Rs. 52,85,745 and for export obligation to export Industrial 'V' Belts-10, 88 Lakhs meters for an fob value of Rs. 1,35,74,000.

The firm have reported that DEEC Books No. 004231-004232 (Calcutta) dated 10-12-82 has been misplaced/lost after having been registered with Custom House, Calcutta.

The firm have filed an affidavit in support of the above statement as required under para 91 of Hand Book of Import Export Procedure, 1988—91, I am satisfied that DEEC Book No. 004231—4232 dt. 10-12-82 has been lost/misplaced.

In exercise of the powers conferred on me under Section 9(d) of Import (Control) Order, 1955 dt. 7-12-55 as amended upto date. I hereby order cancellation of the said DEEC Books No. 004231—004232 dt. 10-12-82.

The applicant case will be considered for issue of duplicate DEEC Books in accordance with para 91 of Hand Book of Import Export procedure 88—91 and subject to production of prescribed documents to the satisfaction of the undersigned.

[F. No. ADV/LIC/UCES/199/AM. 83/ALS.II/CLA]

N. D. AGNIHOTRI, Dy. Chief Controller of Imports and Exports

for Jt. Chief Controller of Imports & Exports

436 GI/90—4

संज्ञा नमोदय

(कम्पनी कार्य विभाग)

नई दिल्ली, 14 फरवरी, 1990

का० आ० 526.—केन्द्रीय सरकार, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 25 की उपधारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि एसोसिएटेड चैम्बर्स आफ कामर्स एंड इंडस्ट्री आफ इंडिया को, जो ऐसा निकाय है जिसे उक्त अधिनियम की धारा 370 के उपबंधों के प्रवर्तन से वहां तक छूट प्राप्त होगी जहां तक उसका संबंध केन्द्रीय सरकार के पूर्व अनुमोदन की अपेक्षा से है।

[फाईल संख्या 1/6/88-सी०एल-5]

यू०पी० माथुर, निदेशक

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 14th February, 1990

S.O. 526.—In exercise of the powers conferred by sub-section (6) of section 25 of the Companies Act, 1956 (1 of 1956), the Central Government hereby directs that Associated Chambers of Commerce and Industry of India, a body to which a licence is granted under section 25 of the said Act, shall be exempt from the operation of the provisions of section 370 thereof in so far as they relate to the requirement of prior approval of the Central Government.

[F. No. 1/6/88-CL.V]

U. P. MATHUR, Director

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम और प्राकृतिक गैस विभाग)

नई दिल्ली, 29 दिसम्बर, 1989

का० आ० 527.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस विभाग के अधीनस्थ सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को जिनके कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. पटना मंडल कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग), मोर्य लोक काम्पलेक्स, डाक बंगला रोड, पटना।
2. इण्डेन संभागीय कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग), 15-बी अमरनाथ शा मार्ग, इलाहाबाद।
3. इंडेन संभागीय कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग), कमानी सेंटर, बिष्णुपुर, जमशेदपुर-831001।

4. मंडल कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) कमानी सेंटर, बिष्टुपुर, जमशेदपुर 831001 ।
5. गंडक गहन वेधन परियोजना, तेल एवं प्राकृतिक गैस आयोग, अलंकार प्लेस, बोरिंग रोड, पटना-800001 ।
6. महाप्रबन्धक कार्यालय (उत्तरी अंचल), हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, यूको बैंक बिल्डिंग, संसद मार्ग, नई दिल्ली-110001 ।
7. पेट्रोलियम डिपो, हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, न्यू एअरपोर्ट रोड, पीर बाग, हैदरपुरा, श्रीनगर-100014 ।
8. जयपुर क्षेत्रीय कार्यालय, हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, बी-17(12) शिवमार्ग, बनी पार्क, जयपुर-302016 ।
9. लखनऊ क्षेत्रीय कार्यालय, हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, 4, शाह नजफ मार्ग, लखनऊ-226001 ।
10. दिल्ली क्षेत्रीय कार्यालय, हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, 11वीं मंजिल, टावर नं० 1, कनाट सर्कस, नई दिल्ली-110001 ।
11. मंडल कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) समर सीट कोर्ट रोड, शिमला-171001 ।
12. रिफाइनरी को-आडिनेटर कार्यालय, इंडियन आयल कारपोरेशन लि०, (विपणन प्रभाग), बरौनी रिफाइनरी, बेगुमराय, बिहार ।
13. इंडेन एरिया मैनेजर (एल पी जी) कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), शाही बिल्डिंग, एक्जिबिशन रोड, पटना-800001 ।
14. टर्मिनल मैनेजर कार्यालय, इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) सिपारा, पोस्ट परसावा, पुनपुन, पटना ।
15. मथुरा डिस्पैच यूनिट, भारत पेट्रोलियम कारपोरेशन लिमिटेड, एम एण्ड डी बिल्डिंग, गेट सं० 9, मथुरा रिफाइनरी टर्मिनल, मथुरा ।
16. आगरा डिपो, भारत पेट्रोलियम कारपोरेशन लिमिटेड, छौऊन का नागला, ईदगाह, जिला-आगरा-282001 ।
17. एल० पी० जी० बार्टलिंग प्लांट, भारत पेट्रोलियम कारपोरेशन लिमिटेड, प्लांट नं० एस० जी-2, रोड नं० 14, विश्वकर्मा इंडस्ट्रीयल इस्टेट, जयपुर-302013 ।

18. एल० पी० जी० बार्टलिंग प्लांट, भारत पेट्रोलियम कारपोरेशन लिमिटेड, इंडस्ट्रीयल इस्टेट परसावरा, बरेली-मुरादाबाद रोड-केएम स्टॉन नं० 10 के पास बरेली, उत्तर प्रदेश ।

19. सोलापुर डिपो, भारत पेट्रोलियम कारपोरेशन लिमिटेड, एम०एस०एच० स्टेशन के पास, पो०बा० 2 जिला सोलापुर पिन-413001 (महाराष्ट्र) ।

[सं० 11011/8/89-हिन्दी]

शरद गुप्ता, उप सचिव,

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Petroleum & Natural Gas)

New Delhi, the 29th December, 1989

S.O. 527.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings of the Department of Petroleum & Natural Gas, the staff whereof have acquired working knowledge of Hindi :—

1. Patna Divisional Office, Indian Oil Corporation Limited, (Marketing Division), Maurya Lok Complex, Dak Banglow Road, Patna.
2. Indane Area Office, Indian Oil Corporation Limited, (Marketing Division), 15-B Amarnath Jha Marg, Allahabad.
3. Indane Area Office, Indian Oil Corporation Limited, (Marketing Division), Kamani Centre, Bishupur, Jamshedpur-831001.
4. Divisional Office, Indian Oil Corporation Limited, (Marketing Division), Kamani Centre, Bishupur, Jamshedpur-831001.
5. Gandak Deep Drilling Project, Oil & Natural Gas Commission, Alankar Place, Bording Road, Patna-800001.
6. Office of the General Manager (Northern Region) Hindustan Petroleum Corporation Limited, UCO Bank Building, Parliament Street, New Delhi-110001.
7. Petroleum Depot, Hindustan Petroleum Corporation Limited, New Airport Road, Pir Bagh, Haiderpura Srinagar-100014.
8. Jaipur Regional Office, Hindustan Petroleum Corporation Limited, B-17(12) Shivmarg, Bani Park, Jaipur-302016.
9. Lucknow Regional Office, Hindustan Petroleum Corporation Limited, 4 Shah Najaf Marg, Lucknow-226001.
10. Delhi Regional Office, Hindustan Petroleum Corporation Limited, 11th Floor, Tower No. 1, Connaught Circus, New Delhi-110001.
11. Divisional Office, Indian Oil Corporation Limited (Marketing Division), Summer Seat Court Road, Shimla-171001.
12. Office of the Refinery Coordinator, Indian Oil Corporation Limited (Marketing Division), Baraaul Refinery, Begusarai, Bihar.
13. Office of the Indane Area Manager (LPG), Indian Oil Corporation Limited, (Marketing Division), Shahi Building, Exhibition Road, Patna-800001.

14. Office of the Terminal Manager, Indian Oil Corporation Limited (Marketing Division), Sipara, Post Parsawn, Pun-Pun, Patna.

15. Mathura Despatch Unit, Bharat Petroleum Corporation Limited, S&D Building, Gate No. 9, Mathura Refinery Terminal, Mathura.

16. Agra Depot, Bharat Petroleum Corporation Limited, Chhaun ka Nagla, Edgah, Dist. Agra-282001 (UP)

17. L.P.G. Bottling Plant, Bharat Petroleum Corporation Limited, Plot No. 2 Road No. 14 Vishwakarma Industrial Estate, Jaipur-302013.

18. LPG Bottling Plant, Bharat Petroleum Corporation Limited, Industrial Estate, Parsakera, Bareilly-Moradabad Road, near K. M. Stone No. 17 Bareilly (U.P.)

19. Solapur Depot, Bharat Petroleum Corporation Limited, Near MSH station, P.B. No. 2 District Solapur, Pin-413001 (Maharashtra).

SHARAD GUPTA, Dy. Secy.

[No. 11011/8/89-Hindi]

उर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 31 जनवरी, 1990

का. ग्रा. 528:—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाय्य अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले रेखाक सं. एस. ई. सी. एल. : बी. एस. पी. : जी. एम. : (परि.) भूमि : 50, तारीख 7 सितम्बर, 1989 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर 495001 के कार्यालय में या कलेक्टर धनकनाल (उड़ीसा) के कार्यालय में या कोयला नियंत्रक 1, कार्डमिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों के भीतर उप-मुख्य संपदा प्रबंधक, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर को भेजेगें।

अनुसूची

कानिहा ब्लॉक

तालचेर कोलफील्ड

जिना धनकनाल (उड़ीसा)

रेखाक सं. एस. ई. सी. एल. : बी. एस. पी. :

जी. एम. : (परि.) : भूमि: 50

तारीख 7 सितम्बर, 1989

(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित करने वाला)

क्रम. सं.	ग्राम का नाम	थाना संख्या	उपखंड	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	2	3	4	5	6	7
1.	कानिहा	60	तालचेर	धनकनाल	55.038	भाग
2.	कासामंडा	63	तालचेर	धनकनाल	84.379	भाग
3.	जेयपुर	64	तालचेर	धनकनाल	04.452	भाग
4.	अद्वैत प्रसाद	65	तालचेर	धनकनाल	28.329	भाग
5.	जामनिया	66	तालचेर	धनकनाल	40.983	पूर्ण
6.	मालापासी	67	तालचेर	धनकनाल	15.378	भाग
7.	गुंडुरिनाली	88	तालचेर	धनकनाल	44.517	भाग

1	2	3	4	5	6	7
8.	जारडा	89	तालचेर	धेनकनाल	302.509	भाग
9.	तेलीसिंगा	90	तालचेर	धेनकनाल	295.435	पूर्ण
10.	पाथारमुंडा	91	तालचेर	धेनकनाल	192.351	भाग
11.	लोढ़ा बंधा	93	तालचेर	धेनकनाल	032.376	भाग
12.	बिजिगोला	95	तालचेर	धेनकनाल	73.047	भाग
13.	अंबापाल	98	तालचेर	धेनकनाल	137.192	भाग
14.	कंडासर	99	तालचेर	धेनकनाल	35.208	भाग
15.	नकानका	100	तालचेर	धेनकनाल	57.875	पूर्ण
16.	डेहरी भुई	101	तालचेर	धेनकनाल	10.522	भाग
17.	झंडसिंगा	102	तालचेर	धेनकनाल	141.643	भाग
18.	कामरेई आरक्षित वन	—	तालचेर	धेनकनाल	19.425	भाग

कुल क्षेत्र: 1570.609 हैक्टर (लगभग)

या 3881.10 एकड़ (लगभग)

सीमा वर्णन :

- क—ख रेखा कानिहा ग्राम में बिन्दु “क” से आरम्भ होती है और कानिहा, कासामुंडा, जेयपुर अद्वैतप्रसाद, मालापासी और गूडुरिनाली ग्रामों से होकर जाती है और गोईलेंड और जुडुरिनाली ग्रामों की सम्मिलित सीमा के बिन्दु “ख” पर मिलती है।
- ख—ग रेखा गूडुरिनाली, जारडा, कामरेई आरक्षित वन, झंडसिंगा, डेहरी भुई ग्रामों से होकर गुजरती है और बिन्दु “ग” पर मिलती है।
- ग—घ रेखा डेहरी भुई, नकानका, कंडासर ग्रामों की पूर्वी सीमा के साथ-साथ गुजरती है जो कि नाले के साथ-साथ भी है और बिन्दु “घ” पर मिलती है।
- घ—क रेखा कंडासर, अंबापाल, बिजिगोला, लोढ़ा बंधा, पाथारमुंडा, कानिहा ग्रामों से होकर गुजरती है और आरंभिक बिन्दु “क” पर मिलती है।

[सं. 43015/23/89—एस०एस०डब्ल्यू०]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 31st January, 1990

S.O. 528.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. SECL : BSP : GM (PROJ) : LAND:50 dated the 7th September, 1989 of the area covered by this notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector, Dhenkanal (Orissa), or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub section (7) of section 13 of the said Act to the Deputy Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from due date of publication of this notification in the Official Gazette.

SCHEDULE
KANIHA BLOCK
TALCHER COALFIELD
DISTRICT DHENKANAL (ORISSA)

Plan No. SECL : BSP : GM (PROJ) : LAND : 50
dated the 7th September, 1989
(showing the land notified for prospecting).

Sl. No.	Name of Village	Thana number	Sub-Division	District	Area in hectares	Remarks
1.	Kaniha	60	Talcher	Dhenkanal	55.038	Part
2.	Kansamunda	63	Talcher	Dhenkanal	84.379	Part.
3.	Jaipur	64	Talcher	Dhenkanal	04.452	Part.
4.	Adwet Prasad	65	Talcher	Dhenkanal	28.329	Part.
5.	Jamania	66	Talcher	Dhenkanal	40.983	Full
6.	Malapasi	67	Talcher	Dhenkanal	15.378	Part.
7.	Gundurinali	88	Talcher	Dhenkanal	44.517	Part.
8.	Jarada	89	Talcher	Dhenkanal	302.509	Part.
9.	Telisinga	90	Talcher	Dhenkanal	295.435	Full.
10.	Patharmunda	91	Talcher	Dhenkanal	192.351	Part.
11.	Lodhabandha	93	Talcher	Dhenkanal	032.376	Part.
12.	Bijigola	95	Talcher	Dhenkanal	73.047	Part.
13.	Ambapal	98	Talcher	Dhenkanal	137.192	Part.
14.	Kandasar	99	Talcher	Dhenkanal	35.208	Part.
15.	Nakanaka	100	Talcher	Dhenkanal	57.875	Full.
16.	Dehuri Bhuin	101	Talcher	Dhenkanal	10.522	Part.
17.	Dandasinga	102	Talcher	Dhenkanal	141.643	Part.
18.	Kamarei Reserve Forest	—	Talcher	Dhenkanal	19.425	Part.

Total Area : 1570.659 hectares
(approximately)
or 3881.10 acres
(approximately)

BOUNDARY DESCRIPTION :

- A—B Line starts from point 'A' in Kaniha Village and proceeds through Villages Kaniha, Kansamunda, Jaipur, Adwetprasad, Malapasi and Gundurinali and meets common boundary of Villages Goiland and Gunurinali at point 'B'.
- B—C Line passes through villages Gundurinali Jarada, Kamarei Reserved Forest, Dandasinga Dehuribhuin and meets at point 'C'.
- C—D Line passes along the Eastern boundary of Villages Dehuribhuin, Nakanaka, Kandasar which is also along the nalla and meet at point 'D'.
- D—A Line passes through Villages Kandasar, Ambapal, Bijigola, Lodhabandha Patharmunda, Kaniha and meets the starting point at 'A'.

का. प्रा. 529.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इससे उपायय अनुसूची में वर्णित भूमि से कोयला अभिप्राप्त करने की संभावना है।

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में कोयला का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-1 (ई)/(iii)/जे. जे. आर./444-0889, तारीख 22 अगस्त, 1989 को निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिविल लाईन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला निरीक्षक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि से हितवन् सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में विनिर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिनों के भीतर राजस्व अधिकारी, वेस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाईन्स, नागपुर 440001 को परिवर्तन करेंगे।

अनुसूची

तेल वाला ब्लॉक

वाणी क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

रेखांक सं. सी-1 (ई) / iii / जे जे आर 444-0889 तारीख 22-8-89

क्रम सं.	ग्राम का नाम	पटवारी सकिल सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणी
1.	लोमारा	27	भद्रावती	चन्द्रपुर	176.64	पूर्ण
2.	धोरवासा	28	भद्रावती	चन्द्रपुर	765.00	भाग
3.	तेलवासा	28	भद्रावती	चन्द्रपुर	449.50	भाग
4.	पिपरी	29	भद्रावती	चन्द्रपुर	348.36	भाग
				कुल क्षेत्र	1739.50 हेक्टर (लगभग)	
				या	4298.30 एकड़ (लगभग)	

सीमा वर्णन

- क—ख रेखा "क" बिन्दु से आरम्भ होती है, और कोची और चिरादेवी ग्रामों की सम्मिलित सीमा के साथ-साथ पिपरी ग्राम होकर जाती है और "ख" बिन्दु पर मिलती है।
- ख—ग रेखा ग्राम धोरवासा और चिरादेवी और स्थाल और लोनारा और गोराला ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और "ग" बिन्दु पर मिलती है।
- ग—घ रेखा लोनारा और बिजासन तथा चार गांव और धोरवासा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और "घ" बिन्दु पर मिलती है।
- घ—क रेखा वर्धा नदी के पूर्वी तट के साथ-साथ धोरवासा और तेलवासा ग्रामों से होकर जाती है फिर तेलवासा और पिपरी ग्रामों से होकर आगे बढ़ती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/17/89-एल. एस. डब्ल्यू.]

S.O. 529.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. C-1(E)III/JJR/444-0889 dated the 22nd August 1989 of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department) Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or at the office of the Collector, Chandrapur (Maharashtra) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440 001, within ninety days from the date of publication of this notification.

SCHEDULE

TELWASA BLOCK

WANI AREA

DISTRICT—CHANDRAPUR (MAHARASHTRA)

Plan No. C-1(E)/III/JJR/444-0889 dated the 22nd August, 1989

Sl. No.	Name of Village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1.	Lonara	27	Bhadrawati	Chandrapur	176.64	Full
2.	Dhorwasa	28	Bhadrawati	Chandrapur	765.00	Part
3.	Telwasa	28	Bhadrawati	Chandrapur	449.50	Part
4.	Pipri	29	Bhadrawati	Chandrapur	348.36	Part
					1739.50 hectares (approximately)	
					OR	
					4298.30 Acres (approximately)	

Boundary description :

- A—B Line starts from point 'A' passes through village Pipri along the common boundry of villages Kochi and Chiradevi and meets at point 'B'.
- B—C Line passes along the common boundary of villages Dhorwasa and Chiradevi and Ruyal and Lonara and Gaurala and meets at point 'C'.
- C—D Line passes along the common boundary of villages Lonara and Vijasan and Chargaon and Dhorwasa and meets at point 'D'.
- D—A Line passes through villages Dhorwasa and Telwasa along the eastern bank of Wardha River, then proceeds through villages Telwasa and Pipri and meets at starting point 'A'.

[No. 43015/17/89-LSW]

नई दिल्ली, 8 फरवरी, 1990

का. आ. 530—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इससे उपायय अनुसूची में वर्णित भूमि से कोयला अभिप्राप्त करने की संभावना है :

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने के उक्त भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एस. ई. सी. एल.; बी.एस.पी.; जी. एम. (परियोजना), भूमि : 51 तारीख 7 सितम्बर, 1989 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) सीपत मार्ग, बिलासपुर, 495001 के कार्यालय में या कलक्टर डेक्कनाल (उड़ीसा) के कार्यालय में या कोयला नियंत्रक, 1 उकाउसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि से हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7), में निर्दिष्ट सभी नक्शों, चार्टों और अन्य वस्तावों को राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर उप-मुख्य संपदा प्रबंधक, साउथ ईस्टर्न कोलफील्ड्स लि., सीपत मार्ग, बिलासपुर को परिदस्त करेंगे।

अनुसूची

नीलाचल ब्लॉक, तालचर कोयला क्षेत्र

जिला डेक्कनाल (उड़ीसा)

रेखांक सं. एस. ई. एफ. पी. जी. एम.

(परियोजना): भूमि : 51 तारीख 7 सितम्बर, 1989

(पूर्वोक्षण के लिए अधिसूचित भूमि दर्शाने वाला)

क्रम सं.	ग्राम	थाना सं.	उप मंडल	जिला	क्षेत्र हेक्टर में	टिप्पण
1.	मानसुनीहाट	41	तालचर	डेक्कनाल	150.142	भाग
2.	कानीहा	60	तालचर	डेक्कनाल	018.616	भाग
3.	बलरामपुर	61	तालचर	डेक्कनाल	058.681	भाग
4.	केनसमुनदा	63	तालचर	डेक्कनाल	353.042	भाग
5.	जैपुर	64	तालचर	डेक्कनाल	062.748	भाग
6.	अद्वैतप्रसाद	65	तालचर	डेक्कनाल	037.479	भाग
7.	मालपसी	67	तालचर	डेक्कनाल	029.591	भाग
8.	बादागुन्डरी	68	तालचर	डेक्कनाल	801.497	भाग
9.	भुप इनपुर	69	तालचर	डेक्कनाल	128.915	पूर्ण
10.	बादाहीवा	70	तालचर	डेक्कनाल	031.161	भाग
11.	गोरा चन्द्रपुर	62	तालचर	डेक्कनाल	023.383	पूर्ण
12.	कल्यानपुर	77	तालचर	डेक्कनाल	005.261	भाग
13.	जोरादानगा	78	तालचर	डेक्कनाल	077.709	पूर्ण
14.	देवामु इन	79	तालचर	डेक्कनाल	076.734	पूर्ण
15.	लुहामारा	80	तालचर	डेक्कनाल	052.408	भाग
16.	बादावीर बारपुर	81	तालचर	डेक्कनाल	004.249	भाग
17.	बोइंडा	82	तालचर	डेक्कनाल	066.775	भाग
18.	घासीयापसी	83	तालचर	डेक्कनाल	046.135	भाग
19.	गौलेंड	87	तालचर	डेक्कनाल	011.531	भाग
20.	गुनदुरीनली	88	तालचर	डेक्कनाल	023.068	भाग
21.	सरघापुर सुरक्षित जंगल	--	तालचर	डेक्कनाल	030.352	भाग

योग—2089.481 हेक्टेयर (लगभग)

या 5163.11 एकड़ (लगभग)

सीमा वर्णन

- क—ख रेखा "क" बिन्दु से जो बड़ा बिगपुर, बोईडा बड़ागुडरी ग्रामों का त्रिसंश्लिस्थल है से आरंभ होती है और उसके बाद बोईडा ग्राम से होकर गुजरती है और "ख" बिन्दु पर मिलती है।
- ख—ग रेखा बोईडा, घमियापासी, बड़ागुडरी मरधापुर शामिल वन बोईडा ग्रामों से होकर गुजरती है और गोड्डा ग्राम की सीमा पर "ग" बिन्दु पर मिलती है।
- ग—घ रेखा बाह्यडा ग्राम की सीमा से आरंभ होती है और गुडुंरी नाकी, माकापासी, अद्वैत प्रसाद, जयपुर, कंडामुंडा कनिहा ग्रामों से होकर गुजरती है और "घ" बिन्दु पर मिलती है।
- घ—ङ रेखा कनिहा, बलरामपुर, भमनुहाटा ग्रामों से होकर गुजरती है और "ङ" बिन्दु पर मिलती है।
- ङ—च रेखा ममुनीहाटा, बडाहीरडा ग्रामों से होकर गुजरती है और कल्याणपुर ग्राम सीमा पर "च" बिन्दु पर मिलती है।
- छ—ज—क रेखा कल्याणपुर ग्राम सीमा से आरंभ होती है और कल्याणपुर लुहमारा, बडा निपुर ग्रामों से होकर गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/22/89-गल. एस. डब्ल्यू.]

बी.डी. राव, अवर सचिव

S.O. 530—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. SECL : BSP : GM : (PROJ) : LAND : 51 dated the 7th September, 1989 of the area covered by this notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector, Dhenkanal (Orissa) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Deputy Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from due date of publication of this notification in the Official Gazette.

SCHEDULE
NILANCHAL BLOCK
TALCHER COALFIELD
DISTRICT DHENKANAL (ORISSA)

Plan No. SECL : BSP : GM (Proj):Land:51
dated 7th September, 1989
(Showing the land notified for prospecting).

Sl. No.	Village	Thana Number	Sub-division	District	Area in Hectares	Remarks
1	2	3	4	5	6	7
1.	Masunihata	41	Talcher	Dhenkanal	150.142	Part.
2.	Kaniha	60	Talcher	Dhenkanal	018.616	Part.
3.	Balrampur	61	Talcher	Dhenkanal	058.681	Part.
4.	Kansamunda	63	Talcher	Dhenkanal	353.043	Part.
5.	Jaipur	64	Talcher	Dhenkanal	062.748	Part.
6.	Adwetprasad	65	Talcher	Dhenkanal	037.479	Part.

1	2	3	4	5	6	7
7. Malapasi		67	Talcher	Dhenkanal	029.591	Part.
8. Badagunduri		68	Talcher	Dhenkanal	801.497	Part.
9. Bhuinpur		69	Talcher	Dhenkanal	128.915	Full.
10. Badahira		70	Talcher	Dhenkanal	031.161	Part.
11. Goura Chandrapur		62	Talcher	Dhenkanal	023.383	Full.
12. Kalyanpur		77	Talcher	Dhenkanal	005.261	Part.
13. Joradanga		78	Talcher	Dhenkanal	077.709	Full.
14. Debabhuin		79	Talcher	Dhenkanal	076.734	Full.
15. Luhamara		80	Talcher	Dhenkanal	052.408	Part.
16. Badabirbarpur		81	Talcher	Dhenkanal	004.249	Part.
17. Boinda		82	Talcher	Dhenkanal	066.775	Part.
18. Ghasiapasi		83	Talcher	Dhenkanal	046.135	Part.
19. Goiland		87	Talcher	Dhenkanal	011.534	Part.
20. Gundurinali		88	Talcher	Dhenkanal	023.068	Part.
21. Saradhapur Reserve Forest		—	Talcher	Dhenkanal	030.352	Part.

TOTAL :

2089.481 hectares
(approximately)

OR

5163.11 acres
(approximately)

BOUNDARY DESCRIPTION :

- A—B : Line starts from point 'A' which is trijunction of villages Badabirbarpur, Baina, Badagunduri and then passes through village Baina and meets at point 'B'.
- B—C : Line passes through village Baina, Ghasiapasi, Badagunduri, Saradhapur Reserve Forest, Goiland and meets on Goiland village boundary at point 'C'.
- C—D : Line proceeds from Goiland village boundary and passes through villages Gundurinali, Malapasi, Adwetprasad, Jaipur, Kansamunda, Kaniha and meets at point 'D'.
- D—E : Line passes through villages Kaniha, Balrampur, Masunihata and meets at point 'E'.
- E—F—G : Line passes through villages Masunihata, Badahira, and meets on Kalyanpur village boundary at point 'G'.
- G—H—A : Line proceeds from village boundary Kalyanpur and passes through villages Kalyanpur Luhamara, Badabirbarpur and meets the starting point 'A'.

[No. 43015/22/89-LSW]

B. B. RAO, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 22 जनवरी, 1990

का०आ०. 531.—केन्द्रीय सरकार, भारतीय आयु-
विज्ञान परिषद अधिनियम, 1956 (1956 का 102)
की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श
करने के पश्चात् उक्त अधिनियम की पहली अनुसूची में
निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में लखनऊ विश्वविद्यालय से संबंधित
प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतः स्थापित
की जाएंगी, अर्थात्:—

“मास्टर आक सर्जरी (प्लास्टिक सर्जरी)

एम०सी०एस०
(प्लास्टिक सर्जरी)

टिप्पण: हम अर्हता को, जब उसे 1976 में उसके पश्चात्
दिया जाता है, मान्यताप्राप्त आयुर्विज्ञान अर्हता
माना जाएगा।”

[सं० दी० 11015/35/89-एम०ई०(पी)]

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 22nd January, 1990

S.O. 531.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule, after the entries relating to the Lucknow University the following entries shall be inserted, namely :—

“Master of Surgery (Plastic Surgery) M. Ch. (Plastic Surgery).”

Note.—This qualification shall be recognised medical qualification when granted on or after 1976.”

[No. V-11015/35/89-ME(P)]

नई दिल्ली, 25 जनवरी, 1990

का०आ० 532.—केंद्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में तथा गुजरात सरकार के परामर्श से, डा० पी०एम० त्रिवेदी, अपर निदेशक, आयुर्विज्ञान शिक्षा और अनुसंधान, गुजरात की भारतीय आयुर्विज्ञान परिषद् का सदस्य 16 जुलाई, 1990 तक की अवधि के लिए नामनिर्दिष्ट किया है।

आ: प्रद. केंद्रीय सरकार, उक्त अधिनियम की धारा 3 की उप-धारा (1) के अनुसरण में वरतमान स्वास्थ्य संरचना की अधिसूचना सं० का०आ० 138, तारीख 9 अक्टूबर, 1960 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, धारा 3(1)(क) के अन्तर्गत नाम-निर्दिष्ट अधिक के नीचे क्रम संख्यांक 14 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“14. डा० पी० एम० त्रिवेदी, अपर निदेशक, आयुर्विज्ञान शिक्षा और अनुसंधान, मित्राल अस्पताल, अहमदाबाद (गुजरात)।”

[सं० बी०-11013/11/87-एम०ई० (पी०)]

New Delhi, the 25th January, 1990

S.O. 532.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Gujarat, have nominated Dr. P. M. Trivedi, Additional Director of Medical Education & Research, Gujarat to be a member of the Medical Council of India for a period upto the 16th July, 1990.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the erstwhile Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under section 3(1) (a)”, for serial number 14 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

“14. Dr. P. M. Trivedi,

Addl. Director of Medical Education and Research, Civil Hospital,

Ahmedabad (Gujarat).”

[No. V-11013/11/87-ME(P)]

नई दिल्ली, 1 फरवरी, 1990

का० आ० 533.—यतः केंद्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा-3 की उप-धारा (1) के खण्ड (ड) के उपबंधों के अनुसरण में निम्नलिखित व्यक्तियों को 6 फरवरी, 1990 से भारतीय आयुर्विज्ञान परिषद् के सदस्यों के रूप में मनोनीत किया है, अर्थात् :—

1. डा० ए०के० मुखर्जी,
कार्यवाहक स्वास्थ्य सेवा महानिदेशक,
निर्माण भवन,
नई दिल्ली
2. लेफ्टीनेन्ट जनरल, मूरज प्रताप,
महानिदेशक,
सशस्त्र सेना चिकित्सा सेवा,
नई दिल्ली
3. डा० ए० एस० पेंटल,
महानिदेशक,
भारतीय आयुर्विज्ञान अनुसंधान परिषद्,
अमारी नगर,
नई दिल्ली
4. डा० (श्रीमती) ललिता कामेश्वरन,
कुलपति, डा० एम०जी०आर० मेडिकल यूनिवर्सिटी,
“पोरियर भवन”
नं० 52, ई०बी०के० सम्पथ सलाई, वेपरे,
मद्रास-600007
5. डा० हरचरण सिंह,
सलाहकार (स्वास्थ्य),
योजना आयोग, योजना भवन,
पार्लियामेंट स्ट्रीट, नई दिल्ली
6. डा० जी०के० सराफ,
एफ०आई०सी०एस०
4, गिरधर रामन स्ट्रीट,
कलकत्ता-700071
7. डा० बी०बी० त्रिपाठी,
(चिकित्सा विज्ञान के सेवानिवृत्त प्रोफेसर)
वदसी बाजार,
कटरा-753001

8. अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय का अधिसूचना सं० 5-13/59-एम०आई (का०आ० 138) दिनांक 9 जनवरी, 1960 में आगे और निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "धारा-3 की उप-धारा (1) के खण्ड (ऊ) के अन्तर्गत मनीषीत" शीर्ष के अन्तर्गत वर्तमान 1 से 7 प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टियां परिस्थापित की जायें, अर्थात् :—

1. डा० ए०के० मुखर्जी,
कार्यवाहक स्वास्थ्य सेवा महानिदेशक,
निर्माण भवन,
नई दिल्ली
2. लेफ्टीनेन्ट जनरल, सुरज प्रकाश,
महानिदेशक,
सशस्त्र सेना चिकित्सा सेवा,
नई दिल्ली
3. डा० ए०एम० पेंटल,
महानिदेशक,
भारतीय आयुर्विज्ञान अनुसंधान परिषद, अंसारी नगर
नई दिल्ली
4. डा० (श्रीमती) ललिता कामेश्वरन,
कुलपति, डा० एम०जी०आर० मेडिकल यूनिवर्सिटी
"पेरियर भवन"
नं० 52, ई०वी०के० सम्पथ सालाई, वेपरी,
मद्रास-600007
5. डा० हरचरण सिंह,
संयुक्त सलाहकार (स्वास्थ्य),
योजना आयोग, योजना भवन,
पार्लियामेंट स्ट्रीट,
नई दिल्ली
6. डा० जी०के० सराफ,
ए०आई०सी०एस०
4 लिटल रसल स्ट्रीट,
कलकत्ता-700071
7. डा० बी०बी० त्रिपाठी,
(चिकित्सा विज्ञान के सेवानिवृत्त प्रोफेसर),
बक्सी बाजार,
कटक"

[सं० बी-11013/1/90-एम०ई० (पी)]

New Delhi, the 1st February, 1990

S.O. 533. —Whereas the Central Government have in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956

(102 of 1956), nominated the following persons to be members of the Medical Council of India with effect from the 6th February, 1990, namely :—

1. Dr. A. K. Mukherjee,
Acting Director General of Health Services,
Nirman Bhavan, New Delhi.
2. Lt. Genl. Suraj Prakash,
Director General, Armed Forces Medical Services,
New Delhi.
3. Dr. A. S. Paintal,
Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi.
4. Dr. (Smt.) Lalitha Kameswaran,
Vice Chancellor,
Dr. M. G. R. Medical University,
"Periyar Building",
No. 52, E. V. K. Sampath Salai,
Vepary, Madras-600007.
5. Dr. Harcharan Singh,
Adviser (Health), Planning Commission,
Yojana Bhavan, Parliament Street,
New Delhi.
6. Dr. G. K. Saraf, F.I.C.S.,
4, Little Russel Street,
Calcutta-700071.
7. Dr. B. B. Tripathi,
(Retd. Professor of Medicine),
Buxi Bazar,
Cuttack-753001.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, (S. O. 138) dated the 9th January, 1960, namely :—

In the said notification, under the heading 'Nominated under clause (e) of sub-section (1) of the section 3', for the existing entries 1 to 7 the following entries shall be substituted, namely :—

1. Dr. A. K. Mukherjee,
Acting Director General of Health Services,
Nirman Bhavan, New Delhi.
2. Lt. Genl. Suraj Prakash,
Director General, Armed Forces Medical Services,
New Delhi.
3. Dr. A. S. Paintal,
Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi.
4. Dr. (Smt.) Lalitha Kameswaran,
Vice-Chancellor,
Dr. M. G. R. Medical University,
"Periyar Building",
No. 52, E. V. K. Sampath Salai,
Vepary, Madras-600007.
5. Dr. Harcharan Singh,
Adviser (Health), Planning Commission,
Yojana Bhavan, Parliament Street,
New Delhi.
6. Dr. G. K. Saraf, F.I.C.S.,
4, Little Russel Street,
Calcutta-700071.
7. Dr. B. B. Tripathi,
(Retd. Professor of Medicine),
Buxi Bazar, Cuttack-753001."

[No. V-11013/1/90-ME(P)]

नई दिल्ली, 2 फरवरी, 1990

का० आ० 534.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंध के अनुसरण में डा० सी० दास प्रादेशिक आयुर्विज्ञान महाविद्यालय, इम्फाल के प्रधानाचार्य को मणिपुर विश्वविद्यालय की सीनेट द्वारा इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना संख्या सं० 138 (संख्या 5-13/59-एम०आई०) तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के नीचे क्रम संख्यांक 63 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“63 डा० सी० दास, मणिपुर विश्वविद्यालय”
प्रधानाचार्य, प्रादेशिक आयुर्विज्ञान
महाविद्यालय, इम्फाल, मणिपुर।”

[सं० बी० 11013/13/87-एम० ई० (10)]

New Delhi, the 2nd February, 1990

S.O. 534.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. C. Das, Principal of the Regional Medical College, Imphal has been elected by the Senate of University of Manipur to be a member of the Medical Council of India with effect from the date of issue of notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138, (No. 5-13/59-MI), dated the 9th January, 1960, and entry shall be substituted namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 63 and the entry relating thereto the following serial number and entry shall be substituted namely :—

63. Dr. C. Das, Principal, Regional Medical Collage, Imphal Manipur University”

[No. V-11013/43/87-ME (P)]

का० आ० 435.—अतः केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा-3 की उपधारा (1) के खंड (ड) के उपबंधों के अनुसरण में डा० भगवान दास राठौर, संसद सदस्य को 5 फरवरी, 1990 से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना

सं० 5-13/59-एम०आई० (का०आ०) 138 दिनांक 9 जनवरी, 1960 में आगे और निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ड) के अधीन मनोनीत” शीर्ष के अन्तर्गत वर्तमान क्रम संख्या 8 की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाए, अर्थात् :—

“8. डा० भगवान दास राठौर,
संसद सदस्य,
मोहल्ला करछ,
पी०ओ० ज्वलपुर्,
जिला हार्द्वार (उ०प्र०)”

[सं० बी० 11013/1/90-एम० ई० (पी०)]

S.O. 535.—Whereas the Central Government have in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Dr. Bhagwan Das Rathore, Member of Parliament to be member of the Medical Council of India with effect from the 6th February, 1990.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, (S.O. 138) dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under clause (e) of sub-section (1) of section 3, for the existing entry at serial No. 8 the following entry shall be substituted, namely :—

“8. Dr. Bhagwan Das Rathore,
Member of Parliament,
Mohalla Karachh, P.O. Jwalapur,
Distt. Hardwar (U.P.)”

[No. V-11013/1/90 ME (P)]

का० आ० 536.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में डा० पी०पार० गोमवंशी को असरावती विश्वविद्यालय के सिनेट द्वारा इस अधिसूचना को जारी किए जाने की तारीख से भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं० 5-13/59-एम०आई०, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के क्रम संख्या 66 के बाद निम्नलिखित क्रम संख्या रखी जाएगी, अर्थात् :—

“67. डा० पी०पार० गोमवंशी, असरावती विश्वविद्यालय,
ब्राह्मण (कमान),
डिबीजनल एस०टी० आरिथ के सापन,
शिवाजी नगर,
अमरावती-444603

[संख्या बी० 11013/17/89-एम०ई० (पा०)]

आर० श्रीनिवासन, अवर सचिव

S.O. 536.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. P. R. Somvanshi has been elected by the Senate of Amravati University to be a member of the Medical Council of India with effect from the date of issue of this Notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/59-MI), dated the 9th January, 1960, namely :—

In said notification, under the heading 'Elected under clause (b) of sub-section (1) of section 3' after serial number 66 and the entries relating thereto the following serial number and entries shall be inserted, namely :—

"67. Dr. P. R. Somvanshi Amravati University"

Wangram (Command)
Opp. Divn. S.F. Office
Shivaji Nagar, Amravati.

[No. V-11013/17/89-ME(P)]

R. SRINIVASAN, Under Secy.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 31 जनवरी, 1990

क्र० आ० 537.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित विद्यालयों/कार्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय विद्यालय,
गोरखपुर (उ०प्र०)
2. केन्द्रीय विद्यालय,
इटारना, अलवर-301001
3. केन्द्रीय विद्यालय,
गणेश खिंद,
पुणे-411007
4. केन्द्रीय विद्यालय,
(बेलादेला लेह अयस्क निक्षेप-14),
किरानुल, बास्तर (म०प्र०)
5. केन्द्रीय विद्यालय,
कालुचक,
(जम्मू व काश्मीर)
6. केन्द्रीय विद्यालय,
खड़कवासला,
पुणे-23 (महाराष्ट्र)

7. केन्द्रीय विद्यालय नं० 2

3, बी०आर०डी० वायुसेना,
चण्डीगढ़।

[संख्या ई०-11011/21/89-राजभाषा]

रमेश कुमार आंगिरस, निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)

New Delhi, the 31st January, 1990

S.O. 537.—In pursuance of Sub-Rule (4) of the Rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976 of the Central Government hereby notifies the following Vidyalaya/Officers of the Department of Education in the Ministry of Human Resource Development, where more than 80% staff has acquired working knowledge of Hindi :—

1. Kendriya Vidyalaya,
Gorakhpur (U.P.)
2. Kendriya Vidyalaya,
Etarana,
Alwar-301001 (Rajasthan)
3. Kendriya Vidyalaya,
Ganesh Khind,
Pune-411007.
4. Kendriya Vidyalaya,
Beladeela Leh Ayask Nikshep-14,
Kirandul, Baster (M.P.)
5. Kendriya Vidyalaya,
Kaluchak,
Jammu (J&K)
6. Kendriya Vidyalaya,
Kharakvasla,
Pune-23 (Maharashtra)
7. Kendriya Vidyalaya No. 2,
3, B.R.D. Air Force,
Chandigarh.

[No. E-11011/21/89-OLU]

R. K. ANGIRAS, Director (OL)

पूर्व-अध्यक्षनिधि अधिनियम, 1890 के मास में

और

राष्ट्रीय शिक्षक कल्याण प्रतिष्ठान के मामले में

क्र० आ० 538.—प्रथम भूतपूर्व शिक्षा मंत्रालय, भारत सरकार की अधिसूचना सं० एम०आ० 1955, दिनांक 25 जून, 1962 में प्रकाशित योजना के अनुसार लागू किये जाने के लिए भारत के पूर्व-अध्यक्षनिधि के कोषाध्यक्ष से संबद्ध अनुसूची में निर्दिष्ट सम्पत्ति को जीवने के लिए केन्द्रीय सरकार की आवेदन पत्र दिया गया है।

अतः अब, पूर्व अध्यक्षनिधि अधिनियम, 1890 (1899 का 6) की धारा-4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पूर्वोक्त आवेदन पत्र के आधार पर केन्द्रीय सरकार एतद्वारा यह निर्देश देती है कि उक्त सम्पत्ति भारत के पूर्व-अध्यक्षनिधि के कोषाध्यक्ष के अधिकार में रहेगी और यह भी निर्देश देती है कि उक्त सम्पत्ति और उक्त प्राप्त आय का पूर्वोक्त योजना में निर्धारित तरीके से अनुसार उपयोग किया जाएगा।

अनुसूची

20,52,450/-रुपये (दोवन बीस लाख बावन हजार चार सौ पचास रुपये) की राशि का 5 वर्षों तकवार सावधि जमा लेख में राष्ट्रीय शिक्षक कल्याण प्रतिष्ठान की ओर से निवेश किया गया। यह जमागणि 23 जून, 1989 में प्रभावी होगी और इसका 23 जून, 1994 को 11% वार्षिक व्याज सहित पुनर्भुगतान किया जाएगा।

[गं. फं. 9-2/88-एन०एफ०टी०डब्ल्यू०]

मुख्यदीप बरार, उप-सचिव

In the matter of Charitable Endowments Act, 1890

AND

In the matter of the National Foundation for Teachers' Welfare.

S.O. 538.—Whereas an application has been made to the Central Government for vesting the property specified in the Schedule appended hereto in the Treasurer of Charitable

Endowments for India to be applied in accordance with the scheme published with the notification of the Government of India in the late Ministry of Education No. S.O. 1955, dated the 25th June, 1962.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Charitable Endowments Act, 1890 (6 of 1890) and on the application as aforesaid the Central Government hereby directs that the said property shall vest in the Treasurer of Charitable Endowments for India to be held by him and also directs that the said property and the income thereof shall be applied in accordance with the terms set out in the aforesaid Scheme.

SCHEDULE

A sum of Rs. 20,52,450 (Rupees Twenty lakhs fifty two thousand four hundred and fifty only) invested on behalf of the National Foundation for Teachers' Welfare in 5-Year Post Office Time Deposit Account, the deposit being effective from the 23rd June, 1989 repayable on the 23rd June, 1994, with interest at the rate of 11% per annum.

[No. F-9-2/88-NFTW]

SUKHDEEP BRAR, Dy. Secy.

नई दिल्ली, 6 फरवरी, 1990

का. आ. 539.—वास्तुकला परिषद नियमावली, 1973 के नियम 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, अध्यक्ष/हस्ताक्षरी चुनाव अधिकारी के रूप में कालम 4 में विनिर्दिष्ट प्रविष्टि में दर्शाए गए कार्य के लिए नीचे दी गई तालिका के क्रमशः कालम 1, 2, और 3 में तारीख, समय तथा स्थान को निर्धारित करता हूँ।

तालिका

दिनांक	समय	स्थान	कार्य
1	2	3	4
(क) सोमवार 12-3-1990	साय 3-30 बजे	कमरा नं. 123, सी बिंग, तामाकन पर्वों की प्राप्ति शास्त्री भवन, नई दिल्ली तथा उनकी समीक्षा करना	
(ख) सोमवार 19-3-1990	साय 3-30 बजे	—वही—	मतदातों को मतदाताओं की भेजना।
(ग) सोमवार (I) 9-4-1990	साय 3-30 बजे	—वही—	चुनाव के लिए
(II) सोमवार 9-4-1990	साय 4 00 बजे	—वही—	मतों की जांच तथा गिनती

[एफ. संख्या 17-16/83-टी. डी. III]

एस. डी. आबले, उप शिक्षा सलाहकार (न.)
तथा चुनाव अधिकारी

New Delhi, the 6th February, 1990

S.O.539—In exercise of the powers conferred by rule 8 of the Council of Architecture Rules, 1973, the undersigned as the Returning Officer, hereby appoints the date, time and place as specified in columns 1, 2 and 3 respectively, of the Table given below for the purposes specified in the corresponding entry in column 4 of thereof.

TABLE

Date	Time	Place	Purpose
1	2	3	4
(a) Monday 12-3-1990	3-30 P.M.	Room No. 423, 'C' Wing, Shastri Bhavan, New Delhi-110001	For the receipt of nomination papers and their scrutiny.
(b) Monday 19-3-1990	3-30 P.M.	—do—	For the despatch of voting papers to the electors.
(c) (i) Monday 9-4-1990	3-30 P.M.	—do—	For the poll.
(ii) Monday 9-4-1990	4-00 P.M.	—do—	For the scrutiny and counting of votes.

[F. No. 17-16/83.T.D.III]

S.D. AWALE, Deputy Educational Adviser (T)
and Returning Officer.

नागर विमानन मंत्रालय

नई दिल्ली, 2 फरवरी, 1990

कां०आ०540.—जबकि पवनहंस का डाफिन हेली-काप्टर बी टी-ई०एल०ओ० 15 दिसम्बर, 1989 को कलकत्ता से पटना के लिए तेल और प्राकृतिक गैस आयोग की चार्टर उड़ान भरते हुये पटना से लगभग 4 मील की दूरी पर गंगा नदी में दुर्घटनाग्रस्त हो गया। दुर्घटना के परिणाम-स्वरूप सभी सवार व्यक्तियों की (जिनमें 2 क्रू कर्मीदल के सदस्य और 5 यात्री थे) मृत्यु हो गई।

और जबकि केन्द्रीय सरकार को ऐसा महसूस होता है कि उक्त दुर्घटना की एक जांच समिति द्वारा जांच करवाना उचित है।

अतः अब, वायुयान नियम, 1937 के नियम 74 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार दुर्घटना की परिस्थितियों और संभावित कारणों का निष्पत्ति करने के लिए एक जांच समिति नियुक्त करती है जिसमें निम्नलिखित निश्चित व्यक्ति शामिल होंगे :—

1. चैप कैप्टेन बी०एन० मावटे
भारतीय वायु सेना

2. फ्लाइट लेफ्टिनेंट राय,
भारतीय वायु सेना

3. विंग कमांडर राजेन्द्र कपूर,
कृषि विमानन

4. श्री आर०के० पॉल,
क्षेत्रीय नियंत्रक विमान सुरक्षा,
कलकत्ता

समिति को अपनी रिपोर्ट 31 मार्च, 1990 तक प्रस्तुत करनी होगी।

[सं० ए० बी 15013/11/89-एम०एम०बी०]

अनील मिश्र, उप सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 2nd February, 1990

S.O. 540.—Whereas Pawan Hans Dauphine helicopter VT-ELO while operating ONGC charter flight from Calcutta to Patna on the 15th December, 1989, crashed into the river Ganges about 4 miles from Patna airport, resulting in the death of all the occupants (two crew and 5 passengers).

And whereas, it appears necessary to Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry.

Now, therefore, in exercise of the powers conferred by Rule 74 of the Aircraft Rules, 1937, the Central Government hereby appoint a Committee of Inquiry composed of the following persons to determine the circumstances of the accident and probable causes leading to the accident.

- | | |
|---|-----------|
| 1. Gl Capt. V. N. Sapre,
Indian Air Force | |
| 2. Flt. Lt. Roy, Indian Air Force | Member |
| 3. Wg Cdr. Rajendra Kapoor,
Agro Aviation. | Member |
| 4. Shri R. K. Paul, Regional Controller
of Air Safety, Calcutta. | Secretary |

The Committee is required to submit its report by 31-3-1990.

[No. AV-15013/11/89-SSV]
ANIL MISRA, Dy. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 फरवरी, 1990

का० आ० 541.—राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय, रेलवे बोर्ड उत्तर रेलवे, अंबाला मंडल के निम्नलिखित कार्यालयों को, जहाँ के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

उत्तर रेलवे

अंबाला मंडल

1. स्टेशन अधीक्षक, अम्बाला छावनी
2. स्टेशन अधीक्षक, अम्बाला शहर
3. स्टेशन अधीक्षक, अबोहर
4. स्टेशन अधीक्षक, अलान
5. स्टेशन अधीक्षक, अटिहा
6. स्टेशन अधीक्षक, नंगल डैम
7. स्टेशन अधीक्षक, जगाधरी
8. स्टेशन अधीक्षक, जगाधरी वर्कशॉप
9. स्टेशन अधीक्षक, सहारनपुर
10. स्टेशन अधीक्षक, कालका
11. स्टेशन अधीक्षक, बराड़ा
12. स्टेशन अधीक्षक, दणार
13. स्टेशन अधीक्षक, गिद्धाबाहा
14. स्टेशन अधीक्षक, खाना
15. कोचिंग डिपो अधिकारी, कालका
16. स्टेशन अधीक्षक, मालेर कोटला
17. स्टेशन अधीक्षक, रूपनगर
18. स्टेशन अधीक्षक, राजपुरा
19. स्टेशन अधीक्षक, सरहिन्द

436 GI/90—6.

20. लोको फोरमैन, सहारनपुर

[सं० हिन्दी-89/रा०भा० 1/12/2]

ए०एन० शुक्ल, सचिव, रेलवे बोर्ड,

भारत सरकार के पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 7th February, 1990

S.O. 541.—In pursuance of sub-rules (2) and (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board), hereby notify the following offices of Ambala Division of Northern Railway, where the staff have acquired the working knowledge of Hindi :—

NORTHERN RAILWAY

Ambala Division

1. Station Superintendent, Ambala Cantt.
2. Station Superintendent, Ambala City.
3. Station Superintendent, Abohar
4. Station Superintendent, Alal.
5. Station Superintendent, Bhatinda.
6. Station Superintendent, Nangal dam.
7. Station Superintendent, Jagadhari.
8. Station Superintendent, Jagadhari Workshop.
9. Station Superintendent, Saharanpur.
10. Station Superintendent, Kalka.
11. Station Superintendent, Barara.
12. Station Superintendent, Danna.
13. Station Superintendent, Giddarbaha.
14. Station Superintendent, Khanna.
15. Coaching Depot Officer, Kalka.
16. Station Superintendent, Maler Kotla.
17. Station Superintendent, Roohnagar.
18. Station Superintendent, Rainura.
19. Station Superintendent, Sarhind.
20. Loco Foreman, Saharanpur.

[No. Hindi-89/OL-I/12/21]

A. N. SHUKLA, Secy. Railway Board and
Ex. Officio Jt. Secy.

श्रम मंत्रालय

नई दिल्ली, 7 फरवरी, 1990

का० आ० 542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ़ हैदराबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 फरवरी, 1990 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 7th February, 1990

S.O. 542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby published the following award of the Central Government Industrial Tribunal No. 1 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Hyderabad and their workmen, which was received by the Central Government on 6-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-33 of 1989

PARTIES :

Employers in relation to the management of State Bank of Hyderabad.

AND

Their workmen.

APPEARANCES :

For the Management—Mr. Ramrakhiani, Advocate.

For the Workmen—Mr. Abhayankar, General Secretary of the Union.

INDUSTRY : Banking STATE : Maharashtra

Bombay, the 30th day of January, 1990

AWARD

The Central Government has referred the following industrial dispute between the State Bank of Hyderabad and their workmen to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 :

“Whether the action of the management of State Bank of Hyderabad in relating to its Khultabad branch, Dist. Aurangabad in not granting 1/2 of the scale of wages to Shri Mohamod Ibrahim, Sweeper-Watchman in terms of Clause 4-5 of Bipartite Settlement signed between IBA and workmen dated 19-10-1966 as modified from time to time is justified? If not, to what relief, the workman is entitled to?”

2. When the matter was called out for final hearing, both parties reported that they have amicably settled the dispute. The Bank is ready to raise the workman's salary from Rs. 175 p.m. to Rs. 325 p.m. with effect from 1-7-1989. The Settlement is genuine, fair and in the interest of industrial place, and the workmen. The Bank is directed to raise the workman's salary from Rs. 175 p.m. to Rs. 325 p.m. with effect from 1-7-1989. No order as to costs. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. I-12012/113/89-IR (B-III)]

का० आ० 543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1 बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 फरवरी, 1990 को प्राप्त हुआ था।

S.O. 543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the

Annexure in the industrial dispute between the employers in relation to the management of State Bank of Hyderabad and their workmen, which was received by the Central Government on 6-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-53 of 1988

PARTIES :

Employers in relation to the management of State Bank of Hyderabad.

AND

Their workmen.

APPEARANCES :

For the Management—Mr. Ramrakhiani, Advocate.

For the Workmen—Mr. Abhayankar, General Secretary of the Union.

INDUSTRY : Banking STATE : Maharashtra

Bombay, the 30th day of January, 1990

AWARD

By its order dated 7-9-1988, read with corrigendum (undated) the Central Government has referred to this Tribunal the following Industrial Dispute between the State Bank of Hyderabad and their workmen under Section 10(1)(d) of the Industrial Disputes Act, 1947 :

“Whether the action of the management of State Bank of Hyderabad in relation to its Station Road Branch, Aurangabad in depriving Shri V. B. Modhe, Sweeper-cum-Waterboy working at Station Road Branch, Aurangabad the benefits of para 9 of Bipartite Settlement 12-10-70 and para 17 of Bipartite Settlement dated 17-9-1984 between the Indian Banks Association and the workman represented by All India Bank Employees' and other settlements is justified? If not, to what relief the workman is entitled to?”

2. When the matter was called out for final hearing both parties reported that they have amicably settled the dispute. The Bank is ready to raise the workman's salary from Rs. 175 p.m. to Rs. 325 p.m. with effect from 1-7-1988. The Settlement is genuine, fair and in the interest of industrial peace and the workman. The Bank is directed to raise the workman's salary from Rs. 175 p.m. to Rs. 325 p.m. with effect from 1-7-1988. No order as to costs. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. I-12012/255/88-D.III (A)]

S. C. SHARMA, Desk Officer

नई दिल्ली, 9 फरवरी, 1990

का० आ० 544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हुटी गोल्ड माइन्स लि०, हुटी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-1990 को प्राप्त हुआ था।

New Delhi, the 9th February, 1990

S.O. 544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Hutti Gold Mines Limited, Hutti, and their workmen, which was received by the Central Government on 6-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE
Dated the 29th day of January, 1990

PRESENT :

Shri B. N. Lalge, B.A. (Hons.) LL.B. Presiding Officer.

Central Reference No. 25/89

I PARTY :

Shri Mohammad Abdul Rajak, Ex-driver, Jatti Line 11/6
Hutti Gold Mines, Hutti P.O. Lingasugar Tq. Raichur Dist. Pin-584115.
Vs.

II PARTY :

The General Manager M/s. Hutti Gold Mines Company Limited Hutti P.O. Raichur Dist. Pin-584115.

APPEARANCES :

For the I Party, Shri V. G. Kulkarni, Advocate.

For the II Party, Shri K. V. Shivangi, Advocate.

AWARD

By exercising its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Government of India Ministry of Labour has made the present reference on the following point of dispute by its Order No. L-43012/27/88-D. III(B) dated 13th March, 1989. The point of reference is as follows :

POINT OF REFERENCE

"Whether the action of the management of M/s. Hutti Gold Mines Company Limited, Hutti Post, Raichur District in dismissing the services of Sri Mohammad Abdul Rajak, Driver with effect from 17-7-87 is justified? If not, what relief is the workman entitled to?"

2. In the claim statement filed by the I party workman, he has alleged that the enquiry held against him is bad in law and that the consequent order of dismissal passed by the II party management is illegal.

3. In the counter statement, the management, on the other hand, has contended that the domestic enquiry held against him is proper and valid and that the order of dismissal is in order and that the reference may be rejected.

4. When the matter was pending disposal, the I party has filed a Memo of Withdrawal and has prayed that he may be allowed to withdraw his claim, since there is some amicable settlement.

5. In view of the Memo of Withdrawal, I find that the reference should be closed and the workman should be allowed to reap the advantage of the compromise entered into between himself and the management.

6. In the result, the reference stands closed for the reason that the workman has sought for withdrawal of his claim. (Dictated to the Personnel Assistant, taken down by her got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[F. No. 43012/27/88-D.III (B)]

कां०आ० 545.—औद्योगिक विवाद अधिनियम,

1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट, बम्बई के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, बम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-2-90 को प्राप्त हुआ था।

S.O. 545—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust, Bombay, and their workmen, which was received by the Central Government on 6-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-52 of 1988

PARTIES :

Employer in relation to the management of Bombay Port Trust Bombay.

AND

Their Workmen.

APPEARANCES :

For the Management—Shri S. R. Masurkar, Dy. Chief Law Officer.

For the Workmen—Shri S. R. Wagh, Advocate.

INDUSTRY : Ports and Docks STATE : Maharashtra
Bombay, the 31st day of January, 1990

AWARD

The Central Government has referred the following Industrial Dispute between the Bombay Port Trust (for short, "the Management") and their workmen for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bombay Port Trust, Bombay in not granting the casual leave to the workmen either prefixing or suffixing Saturday, Sunday and holiday is legal and justified? If not, what relief the workmen are entitled to?"

2. The material facts are not in dispute. The workmen belong to the Indoor Office Establishment of the Management. Till the end of December 1977, this Establishment was following 6 day working week. The working hours used to be from 10.30 A.M. to 5.30 P.M. (with lunch break of half hour) from Monday to Friday and from 10.30 A.M. to 2.00 P.M. on every Saturday. From the beginning of January 1978, it was decided to keep the Establishment closed on every 2nd and 4th Saturday of a month. The remaining Saturdays were full working Saturdays and in the weeks concerned, the working hours were uniformly from 10.30 A.M. to 5.30 P.M. (with lunch break of half hour) for all the 6 days from Monday to Saturday. Under both dispensations Sunday was being treated as the 'Weekly off' day.

3. The present dispute arose this way. A workman applied for half days' casual leave on Friday preceding a fourth Saturday which was immediately followed by Saturday and the weekly off Sunday. The Monday immediately following was also a declared public holiday. The Management debited 1-1/2

days casual leave to the workman's account half day for Friday and one day for the 4th Saturday. They relied on the provisions of Rule 16(1) of the Rules and Regulations applicable to the non-scheduled staff for this action. According to the Management, the 2nd and 4th Saturdays are holidays. Workmen were not entitled to prefix and/or suffix more than two holidays (including the weekly off) to any spell of casual leave. As the Friday for which the workman concerned claimed casual leave, was succeeded by three holidays, one of them was treated as casual leave. It will be of advantage to reproduce here the provisions of Rule 16(1) and for ready reference :

"Subject to the exigencies of the service non-scheduled employees will be eligible for 20 days' casual leave with pay in a calendar year, but not more than 10 days' casual leave may be availed of by them in an unbroken period. When the day/days immediately preceding the day on which the employee's casual leave begins or immediately following the day on which his casual leave expires is/are his weekly off day and/or a holiday, he may prefix and/or affix such day/days to his casual leave but not more than two such day may be prefixed and/or affixed to his casual leave."

4. The pith of the workman's case is that even after the introduction of the new system of closed 2nd and 4th Saturdays the number of working hours for the entire week remained unchanged and as such these two Saturdays cannot justifiably be termed as 'Holidays'. On a true construction, they add, these two Saturdays must be treated as compensatory off days, to make good for the remaining full working Saturdays. The 2nd and 4th closed Saturdays do not attract the adverse operation of the aforesaid rule 16(4). The Management oppose this stand. According to them, the 2nd and 4th Saturdays must be treated as holidays within the meaning of the aforesaid Rule.

5. The parties did not lead any oral evidence before the Tribunal. The short question that arises for determination is whether the 2nd and 4th Saturdays should be treated as holidays for the operation of Rule 16(1) *ibid*. Although, according to the Management, the plea of the workmen that the number of working hours under the old and the new arrangements substantially remained unchanged is irrelevant, I think that this aspect has a vital bearing on the question under consideration. Under the pre-1978 system every week, workmen worked for 6 1/2 hours (excluding the lunch hour) from Monday to Friday and for 3 1/2 hours on all Saturdays. The total working hours per week thus come to 36. Now I go to the post-1978 position. It will be worthwhile to consider the working hours on the basis of a quarter of a year (that is, 13 weeks) as the Unit. This is so, because a calendar month never coincides with four weeks, except in February in non-leap years. In a unit of 13 weeks, there will be 6 closed Saturdays and 7 working Saturdays. In the 6 weeks the first category, workmen work for 32 1/2 hours per week and in the remaining 7 weeks of precisely 36 hours, week. This gives a weekly average of precisely 36 hours, with a quarter of a year as the unit. This is on the basis of the net working hours by excluding the half hours lunch break. If the calculations are made inclusive of the lunch break, the average working hours per week under the pre-1978 dispensation comes to 38 1/2 hours, and under the post-1978 dispensation to 38 10/3 hours. Viewed either way the only rational conclusion one can reach, is that there has been no change in the number of working hours per week after the advent of the new system with effect from January 1978. This obviously fortifies the workmen's stand that the 2nd and 4th Saturdays are not holidays in the true sense of the term, but are compensatory off days.

6. There is one more factor which practically clinches the issue in favour of the workmen. It is this. In para 9 of their statement of claim, it is averred that for doing work on Sundays or any other declared holidays the Management pay them 1 1/2 times the normal wages, whereas for 2nd and 4th Saturdays the overtime rate is just a single normal wage as for any other full working day. This averment is not denied by the Management in the written statement.

The have contended themselves by observing that this submission is irrelevant. I do not think so. It is clear that the Management themselves have been treating 2nd and 4th Saturdays on a qualitatively different plane from Sundays and other declared holidays, and on par with any other working day.

7. The Management rely on the Bombay High Court decision in Writ Petition No. 44/86 dated 10-8-1988 *Dharnidhar Vs. Second Labour Court Nagpur* and others for their stand that the closed Saturdays are holidays. The question raised before the High Court was entirely different from the one under adjudication before me. The ruling does not help the management at all.

8. In the result, I am of the opinion that on a true interpretation of Rule 16(1), 2nd and 4th Saturdays cannot be treated as holidays. They are in substantially compensatory off days. The Bombay Port Trust were not justified in debiting casual leave for the 4th Saturday to the account of the workman in the matter under adjudication. In the circumstances, the workman should have been debited only half day's casual leave for Friday. Costs are not pressed by the workmen. Accordingly I do not make any orders on that aspect. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. L-31011/02/88-D.III (B)]

नई दिल्ली, 12 फरवरी, 1990

कां० अा 546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंटरनेशनल एयरपोर्ट अथॉरिटी ऑफ इंडिया के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-1990 को प्राप्त हुआ था।

New Delhi, the 12th February, 1990

S.O. 546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India and their workmen, which was received by the Central Government on 7-2-1990.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 12/88

In the matter of dispute between :

Shri Dharam Pal, Vill. and P.O. Samalka, New Delhi.

Versus

The Chairman and Managing Director, I.A.A.I., Chanakya Puri, (Yashwant Place) New Delhi.

APPEARANCES :

Shri Jog Singh—for the workman.

Shri R. S. Dalal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/21/87-D.II (B) dated 31-12-87 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of International Airport Authority of India in terminating the services of Shri Dharam Pal, Operator (E and M) w.e.f. 1-4-1984 is justified? If not to what relief the workmen is entitled to?"

2. Some of the undisputed facts are that the workman Shri Dharam Pal was appointed as Operator (E and M) on daily wage basis w.e.f. 16-8-1983 at the Indira Gandhi International Airport, New Delhi and his services were terminated on 1-4-1984 without any notice, charge sheet or enquiry and without payment of any wages in lieu of notice or any retrenchment compensation. Two other colleagues of the workman namely Shri C. P. Aggarwal and Shri Prem Singh who were appointed and terminated alongwith the workman were taken back on their duties in the month of May, 1986, by virtue of a settlement arrived at before the ALC (C), New Delhi.

3. The case of the workman is that neither he was appointed for a tentative period nor the work entrusted to him was ever exhausted. As a matter of fact he was doing the job of a permanent nature which continues to exist till date. The workman made a representation to the Management on 12-4-84 and the Management vide its office order dated 19-6-84 informed him that since there was no vacant post in the cadre of Operator (E and M) available it was not possible to accede to his request for fresh employment even on daily wage basis at the Delhi Airport. After the termination of his services the Management deployed regular employees on maximum time limit of overtime duty in order to carry out the work which was formerly being performed by him. In this way not only the Management terminated the services of the workman illegally and unjustifiably in spite of having regular work in their hands, but also wasted a lot of money in payment of overtime duty allowance to the regular employees for the same work. It has further been stated that on the same time and date when the Management rejected the appeal of the workman vide letter dated 19-6-84, there was another circular dated 17-5-84 vide which the Management called for a trade test for making a panel for regular posts of Operator (E and M) to be held on 19-6-84 but the workman was not considered at all. Hence it is alleged that the action of the Management is illegal, wrongful, mala fide, incorrect, unjust, exploitative, discriminatory, arbitrary and an unfair labour practice and also contrary to all provisions of law and the principles of natural justice. Hence the workman prayed for his reinstatement with continuity of service and with full back wages.

4. The contention of the Management is that the workman has not been sponsored by the Employment Exchange. No selection committee was constituted and no qualifying test was conducted. It was with a view to reduce overtime payments necessitated due to absenteeism in the cadre of operator (E and M) it was decided to engage workers on daily wages and as such before engaging Shri Dharam Pal it was checked as to whether he can operate the switch and can work as a Pump Operator. He was not engaged against any regular vacancy and he had no right to continue in the job. Even otherwise he did not fulfil the job specification laid down for the post of Operator (E&M). As soon as absenteeism improved and the regular staff started performing their duties there was no need to engage daily wage workers and hence the services of the claimant Shri Dharam Pal were discontinued, w.e.f. 1-4-84. It was further submitted that as the workman had not completed 240 days of work in a year he was not entitled to one month notice pay and retrenchment compensation and therefore, the same was neither paid nor tendered to him. It was further stated that two daily wage workers who were reengaged by way of settlement had completed more than 240 days of work on the date their services were discontinued and the

Management took them back as fresh employees on daily wages basis without any back wages as a result of the settlement arrived at before the ALC. It also asserted its right to deploy employees on overtime work as and when it became necessary. It was further asserted that the workman had kept silent for about 3 years and did not raise any industrial dispute till 24-3-1987 and, therefore, he is not entitled to any relief.

5. At the outset, it may be observed that the International Airport Authority of India (hereinafter referred to as the Management) is a "State" in terms of Article 12 of the Constitution of India and is consequently expected to act as a model employer as exhorted by the Hon'ble Supreme Court of India times out of number. It is not expected to act in a manner which reflects arbitrariness and capriciousness. Rather all its actions are expected to be permeated with justice and fair play. In the present case the Management has acted just in the opposite manner.

In the first place some of the contradictory statements by the Management may be taken note of. It is the case of the workman that he was called through the employment exchange and after qualifying the trade test and interview he was appointed as Operator (E and M) by the Management. In support of his contention he has placed on record his Identity card with the employment exchange Ex. W-2 (which shows that it was issued on 8-6-84) alongwith the experience certificate dated 6-6-83 Ex. W-1 (which shows that the claimant had experience of over 5 years as a Pump Operator). The authenticity of this experience certificate is vouchsafed by the fact that he was registered as a Pump Operator in the Identity Card of the Employment Exchange Ex. W-2. Now in the written statement, the Management has categorically asserted that Shri Dharam Pal was not sponsored by the employment exchange and no selection committee was constituted and equally no qualifying test was conducted. However, MW-1 Shri H. S. Bans appearing on behalf of the Management, has clearly stated that the workman must have been taken through the employment exchange which is their usual practice. He further stated that for the job in question the requirement was matriculation and 30 years of age. The Identity Card Ex. W-2 shows that the workman possessed the qualification of pre-university equivalent to inter which is higher than Matriculation and his date of birth is 5-4-1958 and consequently at the time of his employment he was within 30 years of age. In this context, the Statement that the workman did not fulfil the job specifications laid down for the post of Operator (E&M), is proved to be false. MW-1 Shri H. S. Bans has stated in his cross-examination that as the workman was taken into service he must have fulfilled in all the job requirements for a daily wage person for being appointed as Pump Operator. Thus the statement of the witness also contradicts the plea of the Management in the written statement.

7. In the written statement, the Management has tried to justify the termination of the service of the workman on the ground that initially daily wage workers were engaged in order to reduce overtime payments necessitated due to absenteeism in the cadre of Operator (E&M) and as soon as absenteeism improved and the regular staff started performing their duties regularly, no need to engage daily wage workers was felt and thus the engagement of Dharam Pal as a daily wage worker was discontinued w.e.f. 1-4-1984. Now, it is the case of the workman that neither he was appointed for a tentative period nor the work entrusted to him was exhausted and as a matter of fact he was doing the job of permanent nature which continues to exist till date. He has also alleged that just after his termination the Management had deployed regular employees on maximum time limit of overtime in order to carry out the particular work which he was performing. The Management has not denied that there was requirement for the job as such or that regular workers were employed on a maximum limit of overtime duty soon after the termination of the services of the workman and in this way lot of money was paid as overtime allowance. The Management has simply asserted its right to terminate the services of a daily wage worker or its right to employee regular employees on overtime in case of necessity. Thus the capriciousness on the part of the Management is clearly proved. On the one hand it exploited the workman by

employing him in order to reduce overtime payment necessitated due to absenteeism in the cadre of Operator and on the other hand soon after disengaging the workman it employed the regular employees on the maximum limit of overtime.

8. Not only the Management has not denied the assertion of the workman that the job requirement against which he was employed continues to exist till date, the various actions on the part of the Management conclusively prove that the job requirement was there and the termination of the services of the workman was clearly unjustified. The workman has stated that he made an appeal to the Management for re-employment on 12-4-84. The Management sent him a reply dated 19-6-84 Ex. W-3 which reads as under :

"Sub :—Appeal for re-employment

Reference your joint appeal dated 12-4-1984 for re-employment as Pump Operator at Delhi Airport on Daily Wage basis.

2. The position has been got checked from Delhi Airport who have intimated that since there was no further requirement beyond 30-3-1984, your services alongwith other outside Daily Wage employees were discontinued. Now since there is no vacant post in the cadre of Operator (E&M) available at Delhi Airport it is not possible to accede to your request for fresh employment even on Daily Wages at Delhi Airport.

Yours faithfully,

Sd/-

(M. Hussain)

Personnel Officer".

However, on 17-5-84 the Management had issued the circular (Ex. W-4) which reads as under :—

"CIRCULAR

Subject :—Trade Test for making panel for the post of Operator (E&M) in the scale of Rs. 340—615.

For the purpose of making a panel for the post of Operator (E&M), a trade test will be held on 19-6-1984.

Applications of departmental Khalasis who will have completed 5 (five) years of service in IAAI as on 19-6-1984 and are interested to appear for the proposed trade test should reach the undersigned on or before 29-5-1984, in the enclosed form, through EE(C)/EE(E).

Those departmental candidates who fulfil the job specification required for direct recruitment to the post of Operator (E&M) and had applied for against our earlier circular during October, 1982, need not apply."

It is, therefore, clearly demonstrated that the reply of the Management in Ex. W-3 that there was no further requirement of the job beyond 30-3-1984 and there is no vacant post in the cadre of Operator (Ex. M) at Delhi Airport is proved false by the document Ex. W-4. Now MW-1 Shri H. S. Bains has clearly admitted that the work of Pump Operator (E&M) is of a regular nature and that about 2 months after the termination of the workman, 5 posts of Operators were filled on regular basis but from out of the I.A.A.I. regular staff. He also could not deny the suggestion that interviews for filling up the five vacant posts were actually held on 19-6-84 as specified in the letter Ex. M-4. This date 19-6-84 is significant because it is on this date that the Management was informing the workman, that there was no vacant post of Operator (E&M) available. It is neither the case of the Management nor has it produced any evidence to show that the posts which were filled up only two months after the termination of the services of the

workman were required under any rules or regulations to be filled in from within the regular workers of the Management. Thus there was no justification whatsoever for terminating the services of the workman on 1-4-84 as there was requirement of as many as 5 Operators (E&M) who were actually recruited two months thereafter.

8. Another point to be noted is that two other workmen namely S/Shri P. C. Aggarwal and Prem Singh whose services were terminated at the same time as Shri Dharam Pal, were subsequently taken back into service in terms of a settlement arrived at before the ALC (G) Delhi. The Management has taken shelter under the technical plea that those two workmen were taken back into service as they had completed 240 days of service and the workman Dharam Pal was not taken back into service since he had not completed 240 days of service. This sort of plea does not behave an organisation like I.A.A.I. which meets the requirements of a 'State' in terms of Article 12 of the Constitution. Once the Management decided to take back into service the two other colleagues of the workman, it should in all fairness have taken back Shri Dharam Pal workman also.

9. In view of the discussion made above, the action of the Management in terminating the services of the workman w.c.f. 1-4-84 clearly appears to be arbitrary, discriminatory and without any justification. Accordingly it is directed that the workman shall be taken back into service with continuity of service and with full back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

25th January, 1990.

G. S. KALRA, Presiding Officer

[No. L-11012/21/87-D.II (B)]

S. VENUGOPALAN, Desk Officer

नई दिल्ली, 13 फरवरी, 1990

कां० प्र० 547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार, डी०वी०सी० माइनस, बर्मो के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं० 2), धनबाद के पंचदश को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-1990 को प्राप्त हुआ था।

New Delhi, the 13th February, 1990

S.O. 547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of D.V.C. Miner, Bermo and their workmen, which was received by the Central Government on the 6th February, 1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 5 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of DVC Mines, Bermo.

AND

Their workmen.

APPEARANCES:

On behalf of the employers—Shri G. N. Raj, Personnel General Secretary, DVC Staff Association.

On behalf of the employees—Shri G. N. Rai, Personnel Manager, DVC Bermo Mines.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 30th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (106)/87-D.IV(B), dated, the 16th/31st December, 1988.

SCHEDULE

“Whether the action of the Management of DVC Mines, Bermo, P.O. Bermo, District Giridih in denying promotion to S/Sri Dinesh Choubey, P. B. Agarwal, Nizamuddin and K. P. Samanta, Clerk Gr. II to Clerk Gr. I by ignoring their seniority and promoting their juniors S/Shri U. K. Verma, Ramesh Revani and S. Roychoudhury, is legal and justified? If not, to what relief are the concerned workmen entitled?”

The case of the workmen, being represented by D.V.C. Staff Association, DVC, is that the DVC Mines at Bermo is a captive mine of the Bokaro Thermal Power Station of Damodar Valley Corporation (hereinafter referred to as D.V.C. for short). DVC is a statutory corporation established under the Damodar Valley Corporation Act, 1948. The service condition of D.V.C. workers are governed by the DVC service regulations and the service conditions and the workers employed in D.V.C. Mines Bermo are governed by their certified standing orders. The pay and allowances and other service conditions of the workers of Bermo colliery are governed by NCWAs. In the matter of promotion D.V.C. follows the practice adopted by the Central Coalfields Ltd.

Shri U. K. Verma and Ramesh Rewani were appointed in the posts of Clerk Grade-II on 18th April, 1975 and Shri S. Roychoudhury was appointed to the post of Clerk Grade-II on 1st April, 1974. The concerned workman Nizamuddin was promoted to the post of Clerk Grade-II on 1st April, 1973. The concerned workman Dinesh Choubey, R. B. Agarwal and K. P. Samanta were promoted to Clerk Grade-II on 1st April, 1974. Prior to that S/Shri Dinesh Choubey and K. P. Samanta were appointed to the post of Typist on 19th March, 1971 and 16th August, 1971 respectively and Shri S. Roychoudhury was appointed with effect from 18th August, 1972. S/Shri U. K. Verma and Ramesh Rewani were appointed to the post of Typist with effect from 18th April, 1975. Nizamuddin was appointed to the post of Typist on 27th November, 1967. Thus S/Shri Nizamuddin, Dinesh Choubey, K. P. Samanta and R. B. Agarwal were all senior to Shri U. K. Verma, Shri Ramesh Rewani and Shri S. Roychoudhury in respect of the date of their first appointment in the post of Typist. S/Shri U. K. Verma, Ramesh Rewani were promoted to the post of Clerk Grade-I with effect from 1st January, 1986 and Shri Roychoudhury was promoted to the post of Clerk Grade-I with effect from 1st July, 1986.

The union of the workmen raised an industrial dispute for supersession in promotion in respect of all the concerned workmen in Clerk Grade-II by their juniors S/Shri U. K. Verma, Ramesh Rewani and S. Roychoudhury. The ALC(C) took up the matter in conciliation. The management in their letter dated 2nd March, 1987 before the ALC(C) did not deny the fact that the concerned workmen were senior to

S/Shri U. K. Verma, Ramesh Rewani and S. Roychoudhury. The Acting Coal Supdt. and Agent of DVC Bermo colliery in his letter dated 2nd March, 1987 to the ALC(C) Hazaribagh stated that the conditions of the colliery was not good and many workers/staff were surplus. The Acting Director of Personnel, DVC in his letter dated 30th September, 1986 to the ALC(C) Hazaribagh stated that the question of expansion of D.V.C. Bermo mines was under active consideration and the D.V.C. had applied to the State Government of Bihar for extension of the mines lease. The said lease has been extended by the State Government of Bihar and the programme of expansion is under process. The conciliation before the ALC(C) failed and thereafter the present industrial dispute has been referred to this Tribunal for adjudication.

There was no communication of any adverse observation about the conduct and performance of job in respect of the 4 concerned workmen who had been superseded. All the 4 concerned workmen are members of D.V.C. Staff Association and Dinesh Choubey is the Secretary of Bermo Unit of D.V.C. Staff Association. The denial of promotion to the concerned workman was a vindictive measure because of their attachment with the D.V.C. staff Association which was de-recognised by the management on some false allegations. Their supersession was mala fide. The D.V.C. management is a party in NCWA-III. It has been recommended in NCWA-III that selection for the post of Clerk Grade-I shall be on the basis of seniority-cum-merit. If merit or efficiency of workman is not specifically otherwise condemned should be considered for the purpose of promotion. It has subsequently been submitted by the management that Shri S. Roychoudhury was promoted on the basis of the D.P.C. in which the case of the concerned workmen were considered but as the concerned workmen were not so efficient in merit as Shri S. Roychoudhury, the concerned workmen were not selected for promotion to Clerical Grade-I. Moreover, the concerned workmen Nizamuddin and Shri K. B. Samanta were non-matric and as such they cannot be considered for promotion to Clerk Grade-I.

On the above facts it is submitted that the action of the management of D.V.C. Mines, Bermo in denying promotion to the concerned workmen from Clerk Grade-II to Clerk Grade-I by ignoring their seniority and promoting their juniors S/Shri U. K. Verma, R. Rewani and S. Roychoudhury is not legal and justified. It is prayed that the concerned workmen should be promoted in Clerical Grade-I with effect from 1st January, 1986 with back wages and other benefits.

The case of the management is that in the matter of promotion from the post of Clerk Grade-II to Clerk Grade-I the promotion channels are different although all of them are in the same pay scale. The promotion channel relevant to the present case are as follows:—

- (a) Typist in Clerical Grade-II to Typist Clerical Grade-I,
- (b) Typist Grade-II to Stenographer Clerical Grade-I.
- (c) General Clerk Grade-II to general Clerk Grade-I.

The criteria adopted by the management over the years for the purpose of promotion of Clerk Grade-II to Clerk Grade-I is based on seniority-cum-efficiency/merit.

Shri U. K. Verma was a Typist in Clerical Grade-II and he was selected by the D.P.C. and promoted to the post of Typist in Clerical Grade-I with effect from 1st January, 1986. Shri Ramesh Rewani was also a typist in Clerical Grade-II and he was promoted as a Stenographer in Clerical Grade-I with effect from 1st January, 1987 on the basis of selection made by the D.P.C. Even when he was formerly designated as Typist, Shri Ramesh Rewani was actually working as a Stenographer.

The concerned 4 workmen were general clerks in Clerical Grade-II and they cannot compare their case with S/Shri U. K. Verma and Ramesh Rewani whose jobs were entirely different. In the case of S/Shri S. Roychoudhury who was a general clerk in Grade-II, his promotion was made after he was found suitable for promotion to the post of general clerk Grade-I by the D.P.C. On the basis of selection through D.P.C. Shri S. Roychoudhury was promoted to the post of Clerk Grade-I with effect from 1st July, 1986.

S/Shri Nijamuddin and K. P. Samanta are non-matriculates while S/Shri S. Roychoudhury, Dinesh Choubey and R. B. Agarwal are matriculates. There was no rule of the management or policy that promotion will be granted to clerical employees merely on the basis of seniority. Their efficiency and merit as reflected in their performance report are also considered at the time of promotion. The D.P.C. found on comparison that S/Shri Roychoudhury had greater merit and efficiency than the other general clerk Grade-II. The performance of Shri Roychoudhury was found to be very good while that of the concerned workmen was average or just above average. In the above view of the matter the action taken by the management in promoting S/Shri U. K. Verma, Ramesh Rewani and S. Roychoudhury to Clerical Grade-I is perfectly legal and justification and the said action cannot be assailed on any ground. Shri S. Roychoudhury is not junior to Shri R. B. Agarwal as Shri S. Roychoudhury was appointed as a Cat. I worker with effect from 18th August, 1972 whereas Shri R. B. Agarwal was appointed on 7th February, 1973. Shri S. Roychoudhury was senior as Cat. I worker to Shri R. B. Agarwal as their dates of Promotion to Clerical Grade-III and Clerical Grade-II are the same. When there is such tie seniority in the next lower post has to be taken into account. S/Shri Nijamuddin and K. P. Samanta are non-matric and as such their case cannot be compared with Shri S. Roychoudhury who was matriculate. In the case of Dinesh Choubey the date of his promotion and Shri S. Roychoudhury to the post of Clerk Grade-II is the same, namely, 1st April, 1974 but in Clerical Grade-III Shri Dinesh Choudhury was senior to Shri S. Roychoudhury. The D.V.C. is not a party to NCWA finalised by the JBCCI. The D.V.C. has not also represented in the JBCCI. However, the D.V.C. has adopted from time to time certain provisions of NCWAs and only such provisions are applicable to the workers of D.V.C. at Bermo. On the above facts it has been prayed on behalf of the management that the claim of the union for promotion of the concerned workmen to Clerical Grade-I be rejected.

The points for decision in the case are :—

- (1) Whether the seniority of the concerned workmen for promotion from Clerk Grade-II to Clerk Grade-I has been ignored? and
- (2) Whether the concerned workmen have been superseded by their juniors in promotion from Clerk Grade-II to Clerk Grade-I?

The management and the workmen each examined one witness in support of their respective case. The documents of the management have been marked Ext. M-1 to M-3 and the documents of the workmen are marked Ext. W-1 to W-14.

Point No. 1 & 2

These 2 points have been taken up together for discussion as they are inter connected.

From the pleadings of the parties it appears admitted that promotion from Clerk Grade-II to Clerk Grade-I is through D.P.C. and the criteria for selection is seniority-cum-efficiency/merit.

According to the case of the management it will appear that S/Shri U. K. Verma and Ramesh Rewani were Typists in Clerical Grade-II and that Shri U. K. Verma was selected by D.P.C. and was promoted to the post of Typist in Clerical Grade-I with effect from 1st January, 1986 and that Shri Ramesh Rewani who was designated as Typist in Clerical Grade-II was actually working as Stenographer and was selected by the D.P.C. and promoted as a Stenographer in Clerical Grade-I. Admittedly the 4 concerned workmen and Shri S. Roychoudhury were general clerks in Grade-II out of whom Shri S. Roychoudhury was promoted in Clerical Grade-II. The case of the management is that Shri S. Roychoudhury was promoted in Clerical Grade-I after being selected through D.P.C. and that the case of the concerned workmen who were general clerks cannot be compared with the case of Shri U. K. Verma and Ramesh Rewani as they were in different channels of the Clerical grade being Typists and Stenographers. As admittedly the

concerned workmen and Shri S. Roychoudhury were in general clerk Grade-II, their case cannot be compared with the case of Shri U. K. Verma and Ramesh Rewani as their channel of promotion was different although the channels were in the clerical Grade. I think the management's contention on this score appears to be correct in as much as channel of promotion of Typists and Stenographer is of a different nature than the job of general clerk. A general clerk cannot be promoted to do the work of Stenographer or Typist as they are not experienced in the said work. So is the case with the Typists and Stenographers who are admittedly doing the specialised job of typing and stenography. Thus the promotion of U. K. Verma and Ramesh Rewani as Typists and Stenographers in Clerical Grade-I to the post of Typists and Stenographers in Clerical Grade-I cannot be compared for promotion in Clerical Grade-I with the case of the concerned workmen.

I would thus confine the case of the concerned workmen for comparison with the case of Shri S. Roychoudhury in respect of their promotion to Clerical Grade-I as all of them were in Clerical Grade-II.

It is admitted in the W.S. of the management in para-7 that the criteria adopted by the management over the years for the purpose of promotion of Clerk Grade-II to Clerk Grade-I is based on seniority-cum-efficiency/merit. We have therefore to see about the seniority position of the concerned workman and Shri S. Roychoudhury whose case has been taken by the workmen to show that seniority of the concerned workmen have been ignored while considering promotion from Clerical Grade-II to Clerical Grade-I and that S. Roychoudhury cannot be promoted on the plea of merit and efficiency ignoring the seniority of the concerned workman. From the case of the management in the W.S. itself, it will appear that Shri S. Roychoudhury, the concerned workman Dinesh Choubey, R. S. Agarwal and K. P. Samanta were promoted in Clerk Grade-II on 1st April, 1974 and the concerned workman Nijamuddin was promoted in Clerk Grade-II on 1st April, 1973. Thus admittedly the concerned workman Nijamuddin was one year senior to the other 3 concerned workmen and Shri S. Roychoudhury in Clerk Grade-II. Thus it has to be decided that the concerned workman Shri Nijamuddin was senior to Shri S. Roychoudhury and the other 3 concerned workmen in Clerical Grade-II.

It is further admitted that the concerned workman Shri Dinesh Choubey was promoted from Cat. I to Clerical Grade-III on 26th July, 1972, the concerned workman K. P. Samanta was promoted from Cat. I to Clerical Grade-III on 26th July, 1972. Thus according to the case of the management itself the concerned workmen Shri D. Choubey and Shri K. P. Samanta were senior to Shri S. Roychoudhury as Shri S. Roychoudhury was promoted from Cat. I to Clerk Grade-III on 1st June, 1973. According to the management as Shri S. Roychoudhury and the concerned workmen except Shri Nijamuddin were promoted in Clerk Grade-II on 1st April, 1972 their seniority has to be decided on the basis of their promotion to the lower grade i.e. in Clerical Grade-III. It is clear, therefore, that Shri D. Choubey and Shri K. P. Samanta were senior to Shri S. Roychoudhury in Clerical Grade-III and accordingly they were senior to Shri S. Roychoudhury in Clerical Grade-II. So far Shri R. B. Agarwal and S. Roychoudhury are concerned they were promoted in Clerical Grade-III on 1st June, 1973 and in Clerical Grade-II on 1st April, 1974. We have therefore to go back to their previous date of joining. It will appear that Shri S. Roychoudhury had joined the post in Cat. I on 18th August, 1972 and Shri R. S. Agarwal had joined in Cat. I on 7th February, 1973. Thus it appears that Shri R. Roychoudhury was senior to Shri R. B. Agarwal.

The management has not produced any circular or office order to show the qualifications and experience for the promotion to Clerical Grade-I from Clerical Grade-II. The management denies to have adopted the cadre scheme as circulated in implementation instruction No. 34 of NCWA-III dated 17th July, 1984. Ext. W-7 is the said Implementation Instruction No. 34 of NCWA-III. It does not show that D.V.C. Bermo mine had accepted or adopted the said implementation instruction No. 34 and as such it cannot be

said that the minimum qualification (educational/technical) or eligibility for promotion as stated in Ext. W-7 in respect of clerical cadre is in vogue in D.V.C. Bermo mines. The management has not produced any independent promotion policy of D.V.C. Bermo Mines. However, it has been admitted by the management in their W.S. that the management of D.V.C. Bermo Mines have adopted the criteria of seniority-cum-efficiency/merit for promotion of Clerk Grade-II to Clerk Grade-I.

Ext. M-3 dated 11th October, 1985 is the D.P.C. proceeding for making selection to the post of Clerk Grade-I (general) from Clerk Grade-II (general). This Ext. M-3 is the sheet anchor of the case of the management on the basis of which it is stated that the management was justified in promoting Shri S. Roychoudhury from Clerical Grade-II to Clerical Grade-I and not promoting the other concerned workmen. It will appear from the D.P.C. proceeding Ext. M-3 that D.P.C. had considered the case of Shri S. Roychoudhury and 4 concerned workmen for their promotion from Clerk Grade-II to Clerk Grade-I. It will be evident from Ext. M-3 also that Shri Nijamuddin was promoted to the post of Clerk Grade-II general with effect from 1st April, 1973 and the remaining 3 concerned workmen and Shri S. Roychoudhury were promoted from Clerk Grade-III to Clerk Grade-II with effect from 1st April, 1974. It appears that the D.P.C. considering the merit based on educational qualifications did not consider the case of S/Shri Nijamuddin and K. P. Samanta for promotion as they were non-matriculates and the D.P.C. considered the case of Shri S. Roychoudhury, D. Choubey and R. B. Agarwal. It is further stated in Ext. M-3 that seniority-wise in the post of Clerk Grade-II, Shri D. Choubey is the senior most and then comes Shri S. Roychoudhury and then Shri R. B. Agarwal. It is further stated that the D.P.C. considering the merit of these 3 clerks came to the conclusion that Shri S. Roychoudhury is far superior in merit and efficiency than the other two. The management has not submitted the details of the criteria on which the merit and efficiency of S. Roychoudhury was found to be superior to that of Shri D. Choubey and Shri R. B. Agarwal.

As the management of D.V.C. Bermo Mine had no promotional policy of its own the D.P.C. in my opinion, had mistaken in not considering the case of S/Shri Nijamuddin and K. P. Samanta on the ground that they are non-matriculates. WW-1 in his evidence has stated that non-matric clerks have been given promotion to Clerk Grade-I and even on higher post in DVC Mines. He has further elucidated the said evidence by giving examples of Shri S. C. Pathak and K. P. Dey who were non-matric but were promoted in Clerical Grade-I. WW-1 has further stated that one Shri Kameshwar Pandey being non-matric was promoted from Clerical Grade-I to Clerk special grade. The said fact that Shri S. C. Pathak, K. P. Dey and Shri Kameshwar Pandey being non-matric were promoted to Clerical Grade-I and even Shri Kameshwar Pandey was promoted from Clerical Grade-I to special grade has not been denied or disputed in the cross-examination of WW-1. WW-1 was silent on this fact. It has, therefore, to be accepted that the management of D.V.C. Bermo Mine was promoting non-matric clerks Grade-II to Clerk Grade-I and that the management had even no hesitation in promoting the non-matric from Clerical Grade-I to Clerical Special grade. This being the position I think that the D.P.C. was not correct in discarding the case of Shri Nijamuddin and Samanta for their consideration for the post of Clerk Grade-I although Nijamuddin was senior to all the five persons whose cases were considered by the D.P.C. and even Shri K. P. Samanta was senior to Shri S. Roychoudhury in Clerical Grade-III. It will appear therefore that although the management had not set any criteria that the case of non-matric in Clerk Grade-II will not be considered for promotion to Clerk Grade-I, the D.P.C. went out of its arena by refusing to consider case of Nijamuddin and Samanta on the ground that they were non-matric. I have also discussed in details about the seniority position of the 4 concerned workmen and Shri S. Roychoudhury from which it will appear that only Shri R. B. Agarwal was junior to Shri S. Roychoudhury out of the 4 concerned workmen and that all the other 3 concerned workmen were senior to Shri S. Roychoudhury.

It is admitted by the management that the criteria for the purpose of promotion of Clerk Grade-II to Clerk Grade-I is based on seniority-cum-merit. It appears from the report of the 436 GJ/90—7.

D.P.C. in Ext. M-3 that the members of D.P.C. did not at all understand the meaning of seniority-cum-merit in respect of promotion of workmen. Where the promotion is based on seniority-cum-efficiency/merit, an employee cannot claim promotion as a matter of right by virtue of his seniority alone. If a senior employee is found unfit to discharge the duties of higher posts, he may be passed over by an employee and junior to him may be promoted. In other words it means that the promotion has to be made on the basis of seniority provided that the employee is found not fit for the job. It is only when 2 or 3 employees have same seniority that merit will decide as to which of the employees has to be first promoted out of them. It has been observed in some of the decisions that in making promotions where seniority-cum-merit is the criteria, the employee should be considered in the order of seniority and judged having regard to his efficiency and if he is found efficient enough to discharge the duties he should be promoted. The D.P.C. report Ext. M-3 does not show that the concerned workmen were not found fit for the job of Clerk Grade-I. Ext. M-3 only shows that the D.P.C. considered the merit of the three clerks and came to the conclusion that Shri S. Roychoudhury is far superior in merit and efficient than the other two. It only shows that S. Roychoudhury was far superior in merit and efficient but does not say that the concerned workmen were unfit to discharge the duties of the higher posts on the contrary it shows that the merit of Shri S. Roychoudhury was far superior to the other concerned workmen and this leads us to an inference that the concerned workmen were also efficient but they were not so efficient as Shri S. Roychoudhury. Thus there was no reason for the D.P.C. to discard the seniority of the concerned workmen in promoting them from Clerk Grade-II to Clerk Grade-I and instead promoted Shri S. Roychoudhury on merit alone discharging the seniority of the concerned workmen. The D.P.C. has not followed the criteria of seniority-cum-efficiency/merit in selecting Shri S. Roychoudhury from Clerk Grade-II to Clerk Grade-I on merit alone ignoring seniority of the concerned workmen who were not found to be unfit or inefficient for promotion from Clerical Grade-II to Clerical Grade-I.

Taking the above facts into consideration I hold that the seniority of the concerned workmen for promotion from Clerk Grade-II to Clerk Grade-I has been ignored. I further hold that the concerned workmen have been superseded by their junior Shri S. Roychoudhury in promotion from Clerical Grade-II to Clerical Grade-I and the management has not adhered to the principles of seniority-cum-merit in considering the promotion of Shri S. Roychoudhury.

In the result, I hold that the action of the management of D.V.C. Bermo Mine in denying promotion to the concerned 4 workmen from Clerk Grade-II to Clerk Grade-I by ignoring their seniority and promoting their junior Shri S. Roychoudhury is not legal and justified. As discussed above the promotion of Shri S. Roychoudhury from Clerk Grade-II to Clerk Grade-I was illegal and unjustified and was not in accordance with the principles of seniority-cum-efficiency/merit and as such the order of promotion of Shri S. Roychoudhury has to be set aside and the management is directed to hold a fresh D.P.C. for the promotion of Clerk Grade-II to the post of Clerk Grade-I by constituting new D.P.C. in accordance with the management's principles of seniority-cum-efficiency-cum-merit in promotion and in accordance with the number of persons required for promotion to clerk Grade-I within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(106)/87-D.IV(B)/IR (Coal-I)]

नई दिल्ली, 15 फरवरी, 1990

कांसा 548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सैम्स भारत कोकिंग कोल लि० का पुनर्जीवित प्रोजेक्ट के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं० 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-1990 को प्राप्त हुआ था।

New Delhi, the 15th February, 1990

S.O. 548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Putkee Balihari Project of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 6-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 293 of 1987.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Putkee Balihari Project of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J. D. Lall, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 25th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) referred the dispute to this Tribunal for adjudication vide their Order No. L-20012/(95)/87-D. III(A), dated 18-11-87. By a subsequent order of corrigendum No. L-20012/(95)/87-D.III(A)/D.IV(A), dated 6-10-83 the reference is as follows :—

“Whether the action of the management of M/s. Bharat Coking Coal Ltd. in dismissing the workman Shri K. N. Kashyap, Typist-cum-Clerk, Putkee Balihari Project, vide their letter No. CA : PS, F-07 : 87 : 10, CA : PS : F-07 : 87 : 9 and CA : PS : F-07 : 87 : 11 dated 5-1-1987 is justified? If not, to what relief the concerned workman is entitled?”

The concerned workman Shri K. N. Kashyap was posted at the Town Administration Department of Bhuli Township under the Administrative Control of the Administration Department of the Headquarters, Koyala Nagar, before being transferred to Putkee Balihari Project.

While the concerned workman was working at Bhuli he committed certain acts of misconduct a chargesheet Ext. M-1/2 dated 1-9-83 was issued to him which is as follows :—

“1. On 11th August, 1988 at about 10.00 a.m. Personnel Manager (Admn.) Bhuli Town Admn Office called you through the peon Shri K. B. Pandey for some typing work from the nearby betel shop where you were sitting after marking your attendance. You refused to come on the plea that you were not working under Personnel Manager (Admn.), so you were not to obey his order. Further, after long persuasion by Shri Pandey and others, you came at the office and wanted the instruction in writing as also through official channel, which was given in a piece of paper by the Personnel Manager (Admn.).

On this you started shouting in abusive language which are quoted below :

HAM LOG TO SALA RANDI HAIN, HAM LOG KO JAISA MAN ME CHAHTA HAIN, YASA NACHATA HAI AUR YA SALE B.C.C.L. KO APNA BAPOTI SAMPATI SAMAJTE HAIN AUR SAV SALA THANDA GHAR ME BAITHKE ADMINISTRATION CHALA RAHE HAIN.

2. It has further been reported that though you were not called for to work on Sundays, you signed the register on Mondays to show that you have worked on overtime. Actually neither you have called to work on Sundays nor you have worked on Sundays thereby you want to gain wrongful wages for which you are not entitled to. It has been observed in the past also that you had been indulging in tempering the attendance register by booking false attendance. To illustrate, though you did not attend your duties in the month of February, 1983 from 17th to 28th February, 1983, but subsequently you marked your attendance for those days.

3. If the above charges are proved, they would constitute acts subversive of discipline and also constitute misconduct under clauses—

17(a), (c) (e), (f) and (r) of the aforesaid Standing Orders and even otherwise considering what is misconduct has to be reasonably construed.”

The concerned workman was also chargesheeted for committing certain acts of misconduct vide chargesheet Ext. M-1 dated 7-9-83 which is as follows :—

“1. On 2-9-83 at about 10.30 a.m. when one Shri Sukhdeo Sonar, Electrician of Bhuli Town Admn. Office returned at the office after attending some breakdowns, you along with three unknown persons who were carrying “JHOLA” (bag) with them attacked him on the porch of the office, asking Shri Sonar that “you have become leader, I will kill you with bombs”. At this Shri Sonar started shouting “BACHO, BACHAO. On hearing the voice of Shri Sonar, the office staff who were present in the office and were busy in collecting salary came at the spot. Seeing the office staff, the unknown persons fled away and they could not be chased since they were carrying bombs in their bags. Then Shri Bishnu, Shri Upadhyaya and others asked you to why you were after the life of Shri Sonar. At this you replied that “whatever you are doing, doing the correct thing” and also threatened that one day you would blast the office alongwith staff. The staff concerned due to fear of being assailed by outsiders did not dare to talk to you any more and they lodged an FIR at Bhuli Out Post and also reported the matter to Personnel Manager (Admn.), Addl. CPM (Admn.) and Director (Personnel) on the same day at about 2.00 P.M. at Koyala Bhawan.

2. On 31-8-83 you marked your attendance at about 10.00 A.M. and left office without any information and permission and did not return for the day.

3. On 1-3-83 you submitted an application addressing the Personnel Manager (Admn.), Bhuli Town Office with a fitness certificate from one Dr. R. Mishra, Physician Ayurvedic, Bhuli who has certified that you remained sick and under his treatment from 8-10-82 to 16-2-83. But it has been officially learnt that you were under police custody from 1-12-82 to 9-12-87 under section 148, 149, 302 IPC at Dhanbad.

If the above charges are proved, they would constitute acts subversive of discipline and also constitute misconduct under clauses—

17(a), (e), (c), (p) and (r).”

The concerned workman submitted his written explanation to the chargesheet dated 1-9-83 levelled against him vide his

reply Ext. M-2/2 dated 15-9-83 and he filed reply to the chargesheet dated 7-9-83 vide Ext. M-2 dated 15-9-83. The concerned workman denied the charges levelled against him in 2 chargesheets. The disciplinary authority not being satisfied with the explanation submitted by the concerned workman appointed Shri B. M. Lal, the then Personnel Manager, Karmik Bhawan as Enquiry Officer for holding the domestic enquiry against the concerned workman. Shri B. M. Lal started enquiry in presence of the concerned workman. The concerned workman was allowed to take the assistance of a co-worker and accordingly he appointed Shri R. K. Kukhair to assist him in the enquiry proceeding. On the request of the concerned workman the proceedings were recorded in Hindi. One management's witness was examined in presence of the concerned workman and he cross-examined the witness. On the next date of the enquiry Shri Kashyap came to the enquiry officer and told him that he had made representation to the Director (Personnel) for changing the enquiry officer and requested to postpone the enquiry till the disposal of his representation by the Director of Personnel. The enquiry officer informed the concerned workman that he had not received any copy of his representation in this respect and therefore the enquiry could not be postponed. However, the enquiry officer deferred the enquiry to another date after recording these facts in the proceeds and the same was noted by the concerned workman. Subsequently on the consecutive date the enquiry officer explained the concerned workman that he would be given all reasonable opportunities to defend his case. The enquiry officer also informed the concerned workman about the reply given to him by the Addl. Chief Personnel Manager (Administration) in response to the representation of the concerned workman in which the disciplinary authority had not accept the plea for changing the enquiry officer. The concerned workman was further informed that in the above view of the matter the enquiry would proceed. The concerned workman thereafter chose not to participate in the enquiry and the enquiry officer proceeded with the enquiry ex parte. On 29-12-83 the concerned workman took the copy of the enquiry proceeding from the enquiry officer. Some of the management's witnesses were examined on 29-12-83 ex parte in the absence of the concerned workman. On 30-12-83 while the enquiry was to proceed ex parte the concerned workman came and misbehaved and threatened the enquiry officer Shri B. M. Lal in his office of dire consequences. Thereafter on 30-12-83 the evidence of the remaining management's witness were recorded by the enquiry officer. The enquiry officer reported about the incident of misbehaviour and threat by the concerned workman to the Director of Personnel and police. In view of the above developments the competent authority changed the enquiry officer and appointed Shri D. R. Gupta, Manager (Administration) vide letter dated 17-1-84 to proceed with the enquiry from the stage it was left by Shri B. M. Lal.

The concerned workman was further charged vide chargesheet Ext. M-1/1 dated 17-1-84 for having misbehaved and threatened Shri B. M. Lal on 30-12-83. The allegations in the said chargesheet are as follows :—

“You are charged with having committed the following acts of misconduct :—

- (i) Riotious, disorderly or indecent behaviour with a superior officer.
- (ii) Threatening, abusing a superior officer.

The above charges are based on the following allegations :—

- (1) You while attending an enquiry proceeding on 30-12-83 at about 3.30 P.M. at Karmik Bhawan before the Enquiry Officer Sri B. M. Lal, Personnel Manager (IR) Karmik Bhawan, threatened him that you will kill him and Sri Lal will not be able to see tomorrow's rising sun.

The above amounts to act of misconduct in accordance with the provisions of 17(i) (e) and (r) of the Model Standing Orders applicable to the Coal Mining Industry.”

The concerned workman submitted his written reply to the chargesheet Ext. M-1/1 vide his reply dated Ext. M-2/1 dated 19-1-84 denying the allegation. This chargesheet was also entrusted to Shri D. R. Gupta who was holding the domestic enquiry into the other two chargesheets Ext. M-1/2, and Ext. M-1.

Shri D. R. Gupta fixed a date in the case for holding the enquiry and the concerned workman appeared before him and sought adjournment on the ground that the concerned workman has to go to his village home due to some disturbance and the enquiry officer granted him adjournment. On the next date the concerned workman appeared before the enquiry officer and applied for adjournment of the enquiry till the decision on his earlier enquiry in the chargesheets. The enquiry officer did not agree to this. The enquiry officer fixed several dates thereafter for holding the enquiry but the concerned workman did not attend the enquiry before Shri D. R. Gupta. On 15-5-85 when the enquiry proceeding was started, a letter was received from the concerned workman by the enquiry officer in which the concerned workman had stated that he had filed a case before the RLC(C), Dhanbad and hence the enquiry automatically stood cancelled. The enquiry officer closed the case on 15-5-85 as the management did not have another witness to examine. The enquiry officer submitted his report holding the concerned workman guilty of item Nos. 1 and 2 of the charges out of the three charges of chargesheet Ext. M-1 and the enquiry officer also found the concerned workman guilty of the charges of the chargesheet Ext. M-1/2 vide one enquiry report Ext. M-12. The enquiry officer found the concerned workman guilty of the chargesheet Ext. M-1/1 also vide the separate enquiry report Ext. M-11 dated 8-10-84. By the time the enquiry report was received, the concerned workman was transferred to Putki Bahari Project and thus the entire case file was put up before the C.M.D. BCCL who after being satisfied on going through the chargesheets and reply of the concerned workman to the chargesheet, proceedings of the enquiry and report of the enquiry officer ordered the dismissal of the concerned workman from service. Accordingly the concerned workman was dismissed from the services of BCCL with effect from 6-1-87 vide 3 separate dismissal orders dated 5-1-87 issued by the Addl. Chief Personnel Manager (Administration) under the orders of the C.M.D.

It is submitted on behalf of the management that the charges against the concerned workman were established on the evidence of the witnesses and as such the concerned workman was rightly dismissed from service.

The concerned workman had in his W.S. challenged the fairness and genuineness of the domestic enquiry held against him and as prayed by the management the said matter was first heard as a preliminary issue and after hearing the parties the Tribunal by its order dated 26-9-89 decided that the enquiry proceeding held by the enquiry officers into the three chargesheets against the concerned workman were quite fair, proper and in accordance with the principle of natural justice.

The case of the workman is that the enquiry officer Shri D. R. Gupta only took up to enquire into the charges levelled against him as contained in the chargesheet Ext. M-1/1 dated 17-4-84 with a clear bias. There had not been any enquiry at all by Shri D. R. Gupta in respect of the earlier 2 chargesheets Ext. M-1 and Ext. M-1/2. So far as the enquiry into the charges Ext. M-1/2 dated 17-1-84 is concerned the same is vitiated on the following grounds :—

- (a) At first Shri B. M. Lal had examined himself only and closed his case and when the enquiry officer Shri Gupta prompted him to produce witness he immediately filed a list of 8 witnesses out of whom only 4 were examined.
- (b) 4 witnesses examined were highly interested and not independent.
- (c) Shri Rijvi one of the witness named in the enquiry was quoted as an eye witness by Shri B. M. Lal in the FIR but he was not produced lest the truth would have come out.

- (d) Shri Sukhdeo Sonar was not examined because he would have falsified the chargesheet dated 7-9-83.
- (e) The enquiry officer Shri Gupta openly indulged in cross-examining management's witnesses and thus filled up the lacunae so that the charge may be brought home to the concerned workman.
- (f) In spite of repeated requests by the concerned workman the management did not produce some of the witnesses before the enquiry officer.
- (g) The evidence adduced on behalf of the management in the enquiry did not establish the charges levelled against the concerned workman.

Even assuming that the management was able to establish the allegation made in the charges against the concerned workman, the charges levelled against the concerned workman were not so serious so as to warrant his dismissal from service. The punishment is not only vindictive but it suffers from irrationality and is strikingly disproportionate to the alleged offence. On the above facts it has been prayed by the concerned workman to set aside the order of his dismissal and an Award be passed reinstating the concerned workman with full back wages and other benefits.

The points for decision in this case are :—

- (1) Whether the management has been able to establish the allegations in the chargesheets levelled against the concerned workman.
- (2) Whether the punishment of dismissal of the concerned workman were disproportionate to the offences established against him.

The management has produced all the relevant papers in connection with the enquiry proceeding and the same have been marked Ext. M-1 to M-16.

POINT NO. 1

So far chargesheet Ext. M-1/2 dated 1-9-83 is concerned the enquiry officer did not find the concerned workman guilty of charge No. 3. The enquiry officer held the concerned workman guilty of charge nos. 1 and 2 of the chargesheet Ext. M-1/2 and both the charges of Ext. M-1 dated 7-9-83. As such charge No 3 of Ext. M-1/2 is now no more in consideration as the concerned workman has already been found not guilty of the same.

The enquiry officer had taken up the hearing of both the chargesheets Ext. M-1 and Ext. M-1/2 jointly in which the management examined 9 witnesses. It will appear that Shri B. M. Lal had examined all these 9 witnesses and except one witness No. 1 all other management's witnesses were examined ex parte. On the complaints of the concerned workman another enquiry officer Shri D. R. Gupta was appointed to enquire into those chargesheets and he was asked to enquire from the stage where Shri B. M. Lal had stopped the enquiry. Shri S. K. Banerjee, Personnel Manager of Sijua Area was the management's representative in the enquiry proceeding and he had given his statement before the enquiry officer. Shri S. K. Banerjee MW-1 stated that on 11-8-83 at 10.00 A.M. he had sent Kapildeo Pandey Peon MW-3 to call the concerned workman Shri K. N. Kashyap from the nearby betel shop as he was to prepare quarter's census report and the same was required to be typed by the concerned workman. He has stated that the Peon Shri Kapildeo Pandey reported that the concerned workman was refusing to come on the ground that he was not working under Shri S. K. Banerjee. MW-1 Shri Banerjee again sent Kapildeo Pandey to persuade and bring him before him. Kapildeo Pandey came along with the concerned workman and Shri Banerjee gave the census report for typing to the concerned workman but the concerned workman refused to do so and asked Shri Banerjee to give instructions in writing and to send it through proper official channel. MW-1 stated that he therefore sent the instructions through Shri Tapan Banerjee, Office Assistant MW-4. MW-1 has stated that the concerned workman started abusing him and uttered abusive and indecent words which MW-1 specifically stated. Thereafter MW-1 reported the matter to the Addl. CPM Administration. MW-1 was cross-examined by the concerned workman but there is nothing

in his cross-examination to show that his evidence regarding the abusive language used by the concerned workman was false.

MW-2 is Shri A. K. Trivedi, SI of Watch and Ward Bhuli. He has stated that on 11-1-83 at 10.00 A.M. he was sitting in the office of Bhuli Town Administration. He has stated that Shri S. K. Banerjee asked Kapildeo Pandey, Peon to call the concerned workman as he was to get some papers typed. He has stated that Shri Pandey came after sometime and informed Shri Banerjee that the concerned workman is stated that he knows Shri A. N. Jha, only and is not under Shri S. K. Banerjee and that he will not obey the orders of Shri Banerjee. MW-2 further stated that thereafter some employees brought the concerned workman and Shri Banerjee gave some papers for typing to the concerned workman whereupon the concerned workman asked Shri Banerjee to give the order in writing. He has stated that Shri Banerjee gave the orders in writing and when Shri Banerjee gave him the orders in writing the concerned workman told him to send it through proper channel. He has stated that thereafter the concerned workman started speaking in abusive language which almost supports the words stated by MW-1.

MW-3 Kapildeo Pandey, Peon, also stated that when he went to call the concerned workman on the order of Shri Banerjee, the concerned workman first refused to come saying that he was not working under Shri S. K. Banerjee. He has stated that he was again asked to persuade and call the concerned workman, the concerned workman came and wanted a written instruction through proper channel. Thereafter this witness went away to get tea and hence he was unable to say what happened, thereafter. Thus MW-3 does not say about the abusive language used by the concerned workman.

MW-4 Shri Tapan Banerjee, Office Assistant also supported the statement of MW-1 Shri S. K. Banerjee regarding the incident of 11-8-83. He has stated that when the concerned workman was called through Kapildeo Pandey, Peon by Shri S. K. Banerjee at first the concerned workman did not come saying that he does not work under Shri Banerjee as such he would not go. But subsequently on persuasion the concerned workman came to the office and thereafter Shri Banerjee gave him some papers to type. He has stated that the concerned workman asked Shri Banerjee to give order in writing and thereafter Shri Banerjee gave him the order in writing and this witness took the said order to the concerned workman. He has stated that thereafter the concerned workman came in the verandah outside his room and started abusing pointing towards Shri Banerjee. This witness M-4 has not stated the specific words of abuses uttered by the concerned workman but it appears that the concerned workman had used abusive language to Shri Banerjee. MW-2 to M-4 were not cross-examined on behalf of the concerned workman and hence the evidence remained in tact. There is also no reason to suppose as to why these witness would depose falsely against the concerned workman.

In view of the above evidence I hold that on 11-8-83 the concerned workman refused to carry out the instructions of Shri S. K. Banerjee and also abused him.

The second charge in the chargesheet Ext. M-1/2 is that although the concerned workman was not called to work on Sundays he marked his presence for Sundays in the Attendance Register when he came to the office on Monday to show that he had worked O.T. on Sunday although he was neither called to work on Sunday nor he had worked on Sundays and thus he wanted to gain wrongful wages. It is also alleged that in the past also he had been indulging in tempering the attendance register by booking his false attendance and that although he did not attend duties from 17-2-83 to 20-2-83 he marked his attendance for those days. MW-1 Shri S. K. Banerjee has stated that the concerned workman had not been permitted to work on Sundays. He stated that prior permission was necessary for Sunday work but the concerned workman was putting his signature for Sunday work on Monday without working on Sundays. He had asked Shri Tapan Banerjee Office incharge as to why the concerned workman had marked his attendance for Sundays, Shri Tapan Banerjee

reported in writing on 1-3-83, 1-8-83, 23-7-83 and 28-7-83 about it and these reports forms part of the enquiry proceeding and are marked Ext. M-1 to M-5 by the enquiry officer. MW-1 however, stated that the concerned workman was in the old habit of tampering with Attendance Register. MW-4 Tapan Banerjee has stated that even though the concerned workman joined duty on 5-3-83 after remaining sick for long time he marked his attendance from 17-2-83. MW-4 has stated that when he objected to the said markings of attendance the concerned workman told him that whatever he has done is right. Thus it will appear that the second charge of Ext. M-1/2 is proved by MW-1 Shri S. K. Banerjee and MW-4 Shri Tapan Banerjee. MW-1 has stated that although the concerned workman had not been ordered to work and did not work on Sundays, the concerned workman used to mark his attendance for having worked on Sundays. There is no specific order to show that the concerned workman had been deputed to work on Sundays. The case of the management is further supported by Shri Tapan Banerjee, Office Assistant handling the Attendance records. Thus the management appears to have established charge No. 2 of Ext. M-1/2 against the concerned workman.

The first charge of Ext. M-1 dated 7-9-83 is that on 2-9-83 at about 10.30 A.M. when Shri Sukhdeo Sonar an Electrician of Bhu-i Township returned to the office, the concerned workman along with 3 unknown persons carrying jhola with them attacked him on the porch of the office asking Shri Sukhdeo Sonar that he had become a leader and that he will be killed with bombs. Thereafter Shri Sukhdeo Sonar started shouting to save him and on hearing the alarm the office Staff came there and thereafter the unknown persons fled away. The concerned workman has denied the allegation.

The said Sukhdeo Sonar has been examined as MW-5. He has stated that when he came to the office after doing his work the concerned workman Shri K. N. Kashyap met him and abused him threatening him to assault. He has stated that there were 2 or 3 other persons along with the concerned workman who had tried to assault Shri Sukhdeo Sonar but on alarm being raised the staff of the office gathered there and the three unknown persons who were having jhola in their hand went away saying that they would kill him with bomb. He informed about the said incident to Bhuli T.O.P. It will appear from the evidence of MW-5 Sukhdeo Sonar itself that the concerned workman or his associates had not assaulted him and that they had only tried to assault Shri Sukhdeo Sonar and on an alarm being raised by him the staff of the office came and thereafter the three unknown persons fled away with the jhola in their hand. MW-6, MW-7, MW-8 and MW-9 all support the incident relating to Sukhdeo Sonar. As Shri Sukhdeo Sonar who was alleged to have been attacked by the concerned workman and his associates himself did not support the case of his attack or assault. It shows that there was only an attempt by the concerned workman and his associates to assault Sukhdeo Sonar. But in fact he was not assaulted. In this view of the matter I hold that the charge of attack by the concerned workman on Shri Sukhdeo Sonar has not been established and in any view of the matter the concerned workman cannot be held guilty for the same, and at best it can be held that the concerned workman had threatened to kill Shri Sukhdeo Sonar.

The second charge in Ext. M-1 is that on 31-8-83 the concerned workman marked his attendance at about 10.00 A.M. and left the office without any information and permission and did not return for duty. MW-4 Shri Tapan Banerjee, who was Attendance incharge has stated that on 31-8-83 the concerned workman marked his attendance in the Attendance Register at about 10.00 A.M. and after sometime left the office and did not return back. MW-1 Shri S. K. Banerjee also stated that Shri Tapan Banerjee had submitted a report Ext. M-14 (marked by the enquiry officer) to him stating that the concerned workman after making his attendance on 31-8-83 left office and did not come back. Thus it is clear from the evidence of the attendance charge that the concerned workman after making his attendance on 31-8-83 left the office and did not come back. Thus this charge also appears to have been established against the concerned workman.

The concerned workman in Ext. M-1/1 dated 17-1-84 is alleged to have committed (i) riotous, disorderly or innocent behaviour with his superior officer, (ii) threatening a superior officer. It is also alleged that while attending the enquiry proceeding on 30-12-83 at about 3.30 P.M. before the enquiry officer Shri B. M. Lall at Kank Bhawan the concerned workman threatened to kill him saying that Shri Lall will not be able to see the rising sun tomorrow. This charge was separately enquired and the enquiry report of the enquiry officer Shri D. K. Gupta is Ext. M-11. The management examined 8 witnesses before the enquiry officer in order to establish the allegations against the concerned workman.

On the first date of enquiry i.e. on 20-2-84 Shri B. M. Lall gave his statement in presence of the concerned workman and he was cross-examined by the co-worker of the concerned workman. MW-1 Shri B. M. Lall stated that he had been appointed enquiry officer to hold departmental enquiry into the chargesheets issued to the concerned workman dated 1-9-83 and 7-9-83. He has stated that when he was continuing his enquiry on 30-12-83 at about 3.30 P.M. the concerned workman came to his office door and started abusing and threatening him. He has stated that the concerned workman threatened him that if he will continue with the enquiry ex parte, he will kill Shri Lall and will not allow him to see the sun rise of the following day. He has stated that on hearing his shouts Security Guard came and removed the concerned workman. MW-1 Shri Lall stated that he lodged FIR with the Police and endorsed its copies to the Addl. CPM (Administration), Private Secretary to the C.M.D. and Chief of Security etc. It will appear from the cross examination of MW-1 Shri Lall that the concerned workman was telling him as to why he was continuing with the enquiry when the concerned workman has requested the management for changing the enquiry officer. The concerned also told him that the enquiry officer should obtain orders from the authorities pending decision on his request for the change of the enquiry officer.

The second witness examined on behalf of the management was Shri Ram Raj Singh. He has stated that on 30-12-83 the concerned workman told the enquiry officer Shri B. M. Lall that since he has requested for the change of the enquiry officer, Shri B. M. Lall should not proceed with the enquiry. Thereafter Ram Raj Singh went away to collect papers and when he came back with the papers he learnt from the people that the concerned workman had misbehaved and threatened Shri Lall. This witness did not himself see the concerned workman misbehaving and threatening Shri B. M. Lall. This witness Shri Ram Raj Singh was cross-examined by Shri B. M. Lall as Ram Raj Singh had not supported the management's case. It appears that the management was treating Shri Ram Raj Singh as hostile witness and as such the enquiry officer had allowed Shri B. M. Lall to cross-examine Shri Ram Raj Singh.

MW-3 Shri Uttam Singh was the co-worker of the concerned workman in the enquiry. He has stated that he requested on 5-3-84 the enquiry officer that Shri B. M. Lall should give the names of all the witnesses who will appear for giving their statement on 5-3-84 but Shri B. M. Lall stated that as his witness were being threatened he will not give the names of the witnesses who would be examined on 5-3-84 on behalf of the management.

On 5-3-84 MW-4 Shri Tapan Banerjee was examined. Shri Tapan Banerjee stated in his statement before the enquiry officer that when the enquiry was going on and he was sitting, the concerned workman suddenly came at 2.30 P.M. and started misbehaving with Shri B. M. Lall. He further stated that the concerned workman told the Enquiry Officer that he should not proceed ex parte in the enquiry and that if the enquiry is held with the motive of harassment, he will take revenge and thereafter threatened Shri Lall that he will not allow him to see tomorrow's sun. There is nothing in his cross-examination to falsify his evidence. Shri Onkar Lal was the next witness to be examined on behalf of the management. He has stated that on 30-12-83 at about 3.30 P.M. there was shout at the entrance gate and saw that the concerned workman was shouting. He has also stated that the

concerned workman told Shri B. M. Lall that he will not allow him to see tomorrow's sun and thereafter the concerned workman went away.

Thereafter on 19-7-84 Shri S. K. Banerjee was examined who has stated that on 30-12-83 at 3.00 P.M. when Shri B. M. Lall was conducting with the enquiry against the concerned workman the concerned workman came to the office chamber of Shri B. M. Lall and asked as to why he is conducting the enquiry *ex parte*. Shri S. K. Banerjee further stated that the concerned workman told Shri Lall that he has written to the Director of Personnel and until his reply come the enquiry should not proceed. Shri S. K. Banerjee stated that Shri B. M. Lall told the concerned workman that as he has not attended the enquiry previously on one pretext or the other he will not now wait for him and thereafter the concerned workman started shouting that it is bad and that there will be murder and that if the enquiry continues Shri Lall will not see tomorrow's sun.

On 24-8-84 the statement of the concerned workman was recorded. He has stated that he was attending the enquiry which was being conducted by Shri B. M. Lall and that on 30-9-83 when he found that Shri B. M. Lall was prejudiced against him, he requested the Director of Personnel for the change of the enquiry officer and that he was requesting Shri B. M. Lall on subsequent dates to *defer* the enquiry till a decision was taken by the Director of Personnel. He stated that Shri Lall informed him that Shri M. N. Jha, Addl. CPM (Administration) has asked him to continue to hold the enquiry and that Shri Lall will not stop the enquiry. He further stated that on 30-12-83 he had not misbehaved with Shri B. M. Lall and had not threatened him as alleged. The concerned workman also examined defence witness Shri B. B. Prasad and Shri Jamuna Singh, WW-1 Shri B. B. Prasad stated that he was with the concerned workman on 29-12-83 as well as on 30-12-83. He stated that on 29-12-83 Shri B. M. Lall did not inform the concerned workman that the enquiry will be done on 30-12-83. He has further stated that when they were in Karmik Bhawan on 30-12-83 they came to know that the enquiry was being held on 30-12-83 and thereafter the concerned workman talked to Shri B. M. Lall about the enquiry very quietly and had not threatened or misbehaved with Shri B. M. Lall. WW-2 Shri Jamuna Singh stated that on 2-9-84 Shri S. N. Upadhyaya, Asstt. Foreman brought him along with other staff to the chamber of Shri S. K. Banerjee and was asked to sign on a complaint against the concerned workman. He has stated that he told Shri S. K. Banerjee that he will not sign on false complaint due to which he has been transferred to Bhowra. On 30-12-83 he had come to the Karmik Bhawan to see that his transfer order was cancelled and on that day at 3.30 P.M. he found some Bhuli Staff outside the office of Shri B. M. Lall where Shri B. M. Lall was holding *ex parte* enquiry against the concerned workman. He has stated that the concerned workman asked Shri Lall as to why *ex parte* enquiry was being held upon which Shri Lall told him that he had instructions from Shri M. N. Jha, Addl. CPM (Administration) and that when the concerned workman requested Shri Lall to talk to Director Personnel Over Phone, Shri Lall replied that he will not talk to the Director. He stated that the concerned workman did not say anything and went to the Director of Personnel.

From the above evidence it will appear that the entire enquiry relating to the chargesheet Ext. M-1/1 was gone into in presence of the concerned workman and that the concerned workman had examined his defence witness also. The evidence of Shri B. M. Lall, Shri S. K. Banerjee, Shri Tapan Banerjee show that on 30-12-83 at about 3.00 P.M. the concerned workman had misbehaved with Shri B. M. Lall and had threatened to kill him. It is admitted that the concerned workman had appeared before Shri B. M. Lall in the enquiry at about 3.00 P.M. and had objected to the enquiry being held *ex parte* when the concerned workman had already represented to the Director of Personnel for changing the enquiry officer. The evidence of the management witnesses further shows that the concerned workman had threatened Shri B. M. Lall to kill him if he continued with the enquiry. The material evidence on the facts of the case has remained in tact and a small contradiction here and there

were not enough to show that the evidence was false. It has been tried to be shown by the concerned workman that the management was trying to victimise him as he was bringing out irregularities committed by the superior authorities. If it was so why other management's witnesses were deposing against the concerned workman. The evidence of defence witness cannot be used to raise the evidence of the management's witnesses and it appears that the workman's witnesses were also aggrieved by the action of the management in transferring them.

Taking the entire evidence into consideration it appears that the concerned workman had committed misconduct by his disorderly and indecent behaviour with Shri B. M. Lall who was the enquiry officer and that the concerned workman had threatened to kill him if he proceeded with the enquiry *ex parte*. Thus the charge in Ext. M-1/1 is also established against the concerned workman.

I hold therefore that the management has been able to establish the allegation Nos. 1 and 2 of charge sheet Ext. M-1/2, allegation No. 2 of the chargesheet Ext. M-1 and the allegations in chargesheet Ext. M-1/1. I further hold that the management has been able to establish that the concerned workman had threatened Shri Sukhdeo Sonar and had not attacked him as alleged in charge No. 1 of chargesheet Ext. M-1. This point is accordingly decided.

It has been submitted on behalf of the concerned workman that the punishment of dismissal imposed upon the concerned workman by the management for even the established allegation in the chargesheet do not call for the said punishment of dismissal and that the said punishment is not proportionate to the established charges. On perusal of the charges established against the concerned workman it will appear that the concerned workman had abused Shri S. K. Banerjee and had refused to carry out his instruction 11-8-83, the concerned workman marked his attendance for his Sunday work although he had not worked on Sundays, the concerned workman threatened to kill Sukhdeo Sonar, the concerned workman left his office after marking his attendance on 31-8-83 and did not again return back and he was also guilty of disorderly or indecent behaviour with his superior Officer Shri B. M. Lall and that he had threatened him to kill if he would proceed with the *ex parte* enquiry against him. So far dismissal for indecent behaviour of the concerned workman with the superior Officer and threatening the superior officer is concerned, it will appear that the concerned workman had represented to the management for the change of the enquiry officer and that the said matter was pending but the enquiry officer proceeded in the enquiry *ex parte* against the concerned workman. There appears to be some sense in raising a protest by the concerned workman that as the matter for the change of the enquiry was pending before the Director of Personnel, the concerned workman might have an impression that the enquiry officer was hastily proceeding with the enquiry without waiting for the orders of the Director of Personnel. The said fact somehow mitigates the misconduct of disorderly and indecent behaviour with his superior officer Shri B. M. Lall and the high sounding words spoken by the concerned workman that Shri Lall would not see rising of the sun of the tomorrow if he proceeded with the enquiry *ex parte* was only a threat devoid of any seriousness requiring any serious notice. So far charge No. 1 of Ext. M-1/2 it appears that the concerned workman was not actually placed under Shri S. K. Banerjee but as Shri S. K. Banerjee had to get some papers typed he had called the concerned workman for the same and in that connection the concerned workman had refused to obey his order and thereafter uttered abusive languages against Shri Banerjee. The said act of the concerned workman was indecent, no doubt, and it smacks of indiscipline but the fact that the concerned workman was not actually placed under Shri S. K. Banerjee may have wrongly given him an impression that he was not liable to obey the orders of Shri S. K. Banerjee. Thus taking the acts of misconduct and some of the factors which mitigate some of his established misconduct shows that the established charges either singly or collectively do not call for the severe punishment of dismissal of the concerned workman from service. There has been no evidence that the concerned workman had refused to obey the orders of his superior in the past and as such a single occasion to refuse

to work is not such a serious misconduct so as to warrant dismissal. The dismissal of the concerned workman on charge of abuse on some worker and officer of the management does not justify dismissal particularly in absence of any evidence of previous adverse remark against the concerned workman. Taking all these facts into consideration I hold that the punishment of dismissal of the concerned workman for the established charges is not justified and that the ends of justice would be satisfied if some other punishment short of dismissal is passed against the concerned workman. In my opinion stoppage of two annual increments of the concerned workman and non-payment of his wages from the date of his dismissal to the date of his resuming duties will be sufficient punishment to meet the ends of justice. Accordingly the concerned workman will be reinstated in his job from the date of his dismissal with continuity of service but he will not be allowed the arrears of his wages as stated above and he will not get his two annual increments.

In the result, I hold that the action of the management in dismissing the concerned workman Shri K. N. Kashyap, Typist-cum-Clerk Putki Bahari Project vide their 3 dismissal letters dated 5-1-87 is not justified. However, the action of the management in holding him guilty of the charges as held above is justified and the concerned workman is punished for the established charges as indicated above. The management is directed to allow the concerned workman to resume his duties within one month from the date of publication of the Award as indicated above.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012(95)/87-D.III (A) /IR (Coal-I)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 13 फरवरी, 1990

का० आ० 549.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व वेस्टर्न कोलफील्ड्स लि०, कोरबा के प्रबन्धन में संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचायत को प्रकाशित करती है, जो के द्रो० सरकार को 7-2-90 प्राप्त हुआ था।

New Delhi, the 13th February, 1990

S. O. 549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd., Korba and their workmen, which was received by the Central Government on 7-2-89.

ANNEXURE

BEORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(30)/1983

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Korba, District Bilaspur (M.P.) and their workmen represented through the Indian National Mine Overman, Sirdar and Shot Firer's Association, Surakachhar Post Office, Borki Tongra, District Bilaspur (M.P.)

APPEARANCES :

For Union—Shri S. K. Rao, Advocate.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining

DISTRICT : Bilaspur

(M.P.)

AWARD

Dated : January 29, 1990

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-22011/21/82-D.III(B) dated 1st July, 1983, for adjudication of the following dispute:—

"Whether the claim of the workmen that the Overman were being utilised for performing the duties of Senior Overman/Head Overman in Surakachhar Colliery of M/s. W.C.L. Korba, Dist. Bilaspur without proper designation and wages is justified and to what relief these overmen are entitled?"

2. Undisputed facts of the case are that there are posts of Overman, Senior Overman/Head Overman in Surakachhar Colliery of M/s. W.C.L. Korba, District Bilaspur and certain employees are working in the said colliery on the above posts.

3. The case of the workmen in brief is that number of posts of Senior Overman/Head Overman are vacant in the said colliery but despite the agreement arrived at between the Association and the Coal India Ltd. on 25-4-1978 the said posts have been kept vacant and despite the said vacancies which accrued as per work and terms and conditions for filling up the vacancies they are being kept vacant and the Overmen are doing the job of Senior Overmen/Head Overmen. The prayer in the statement of claim is that the N.A. be directed to fill up the posts of Senior Overman/Head Overman and difference of wages be paid to those Overmen who are doing the job of Senior Overman from the date of reference.

4. The case of the management in brief is that neither any such post is vacant work of Senior Overman (Head Overman) is being taken nor from the Overman of the said Colliery. The post of Overman is statutory and is governed by the Mines Act, Mines Rules and Coal Mines Regulations etc. All these enactments specifically state that Overman is a supervisory post. All of them are drawing more than Rs. 500 p.m. and therefore Overman and above are not covered within the definition of 'workman' as defined in the Industrial Disputes Act. Hence this reference is bad in law. Overman being not 'workman', they could neither form a trade union nor can become member of a trade union. Their case, therefore, cannot be sponsored by any trade union.

5. The reference is also in respect of non-existing fact in as much as there is no schedule to the reference to show as to who are the workmen and whose services are being utilised to perform higher duties. There being no case of Overman being utilised to perform higher duties, the reference has been made on an absolutely wrong assumption. In the absence of specific particulars it is not possible to make a detail submission. In any case, the demand of the Union was with reference to non-filing of posts of Senior Overman while the reference does not relate to the demand raised by Union but raises a totally different demand.

6. The wage structure as well as other details of service conditions of employees employed in the Coal Mines are governed by Central Wage Board for Coal Mining Industries. Wage Board does not specify procedure, qualifications or mode of appointment and creation of posts of Senior Overman/Head Overman. Coordination meeting of the Chairman-cum-Managing Directors of the five Subsidiary

Compaines of Coal India Ltd. met on 25-4-1978 at Calcutta and framed a staffing pattern and promotional avenue for mining supervisory personnel in the collieries. No Overman has so far made any representation to the management that they are working in higher posts. In fact, the demand of the union itself was only for filling up the available vacancies. The vacancies have been filled already and no vacancy remains to be filled in the said colliery. Creation of posts as well as promotion are purely managerial functions depending upon the exigency of service, availability of posts and need of the posts etc. These posts cannot be created by any outside agency.

7. Looking to the necessity of the Colliery there is no need for any further posts of Senior Overman/Head Overman. If and when necessity for additional posts occur management shall take appropriate action to give higher category of Overman post on merit-cum-seniority and as per cadre scheme as planned as per existing rules which stand accepted by the Association and the individuals have taken benefit out of the scheme and the employees are estopped from challenging the scheme or altering the scheme. The claim of the workmen is, therefore, liable to be rejected.

8. Following issues were framed by my learned predecessor and my findings are recorded against each of the issues framed:—

ISSUES

FINDINGS

- | | |
|--|-----------------|
| 1. Whether or not some of the workmen who were Overman were doing the duties of Senior Overman/Head Overman in Surakchhar Colliery of M/s. W.C.L.? | No. |
| 2. Whether such workmen were entitled to higher wages of Senior Overman/Head Overman? | Does not arise. |
| 3. Relief? | Nil |

9. For adjudicating upon an "industrial dispute" the Tribunal must look at the order of reference itself as it is only the subject matter of reference with which the Tribunal can deal with. Where in an order referring an 'industrial dispute' to a Tribunal under Sec. 10(1) or in a consequent order, the "appropriate Government" has specified the points of dispute for adjudication, the tribunal shall confine the adjudication to those points and matters incidental thereto. In other words, the Tribunal is not free to enlarge the scope of dispute referred to it, but must confine its attention to the points specifically mentioned and anything which is incidental thereto. Thus the jurisdiction of the Tribunal is limited to matters referred to it by the Government, it would have no right to travel outside the reference and proceed to adjudicate the matters not referred to it. (See O. P. Malhotra—The Law of Industrial Disputes, Fourth Edition Vol. I page 683).

10. Nothing specific has been pointed out to me as to under what particular section or rule of the Mines Act, Mines Rules and Regulations etc., Overman is not a workman. As pleaded in para 4 of the statement of claim on behalf of the management it has been averred that these enactments specifically state that Overman is a supervisory post and all of them are drawing more than Rs. 500 per month.

11. Coming to Sec. 2(s) any person employed in any industry to do any supervisory work is also a workman within the definition of Sec. 2(s) of the I. D. Act. There is no evidence to show that the Overman are drawing salary above Rs. 500. According to the present amendment by virtue of the Act 46 of 1982 the person who is employed in supervisory capacity draws wages exceeding Rs. 1000 p.m. would not be covered within the definition of workman. It is true that the said amendment in the proviso does not

say whether it would apply with retrospective or with prospective effect, but certainly this would apply to the instant case, because the reference was made after the said amendment.

12. That part, my learned predecessor, Shri A. G. Qureshi (now Hon'ble Justice in M.P. High Court) has already decided this point that Overman is a workman within the definition of Sec. 2(s) of the I.D. Act in Reference Case No. CGIT/LC(R)(15)/1980 vide order dated 11-12-1980 and held as under:—

"5. In my opinion there is no substance in the contention of the management for the simple reason that the award of All India Industrial Tribunal (Colliery) Dispute popularly known as Majumdar award has clearly mentioned as manual workers. The relevant clauses 561, 562 and 563 of the Award are as under:—

561. Our attention has also been drawn by the workman to the Joshi Agreement which has examined the benefit of the payment for overtime prescribed by that Agreement to Overmen. The Agreement goes further not to include the Overman is mentioned separate from the supervisory staff.

562. It is not necessary to refer in detail to the weight of the stick or the number of times the overmen or mining sardar is expected to do the manual part is so considerable that whatever supervision he does, is necessarily subordinate to the manual work. After all for the purpose of administration, gradation between employees is unavoidable and the dates of a manual amount of supervision and control over other employees.

563. In the result we hold that overman and mining sardars are also skilled manual workers.

In the above award the Majumdar Tribunal after considering the actual nature of the work of Overmen and Mining Sardars has held that the manual part of the work of Overmen and Mining Sardars is of such nature that the supervisory part of the work of these workmen is subordinated by the manual part and the manual part being the main part of the duties of the mining sardar and the overmen, they are the manual skilled worker.

6. The Majumdar Award has not been superseded on this point by any subsequent award and the management has not been able to show any authority wherein the finding of the Majumdar Award was challenged and it was found that the overmen and Mining Sardars are not the workmen.

7. Therefore I hold that Shri N. K. Mishra is a workman and therefore this Tribunal has jurisdiction to adjudicate upon this dispute....."

In view of the above discussion, and there being nothing contrary to it, the actual nature of the work of Overman being manual the supervisory part of the workman is subordinate by the manual part and manual part being the main part of their duties they are manual skilled workers.

13. Issues No. 1, 2 and 3.—I should take all these issues together. It is most unfortunate that the reference is extremely vague in as much as it does not point out as to who are those overmen who were being utilised for performing the duties of Senior Overman/Head Overman in Surakchhar of M/s. W.C. Ltd, Korba, District Bilaspur without proper designation and wages. There is a joint affidavit of T. P. Mishra and R. B. Kumar on record to show that they are performing the duties of Senior Overmen after completion of five years as Overmen, but at the same time the affidavit further discloses that the duties of Senior Overman and Overman are the same and there is no difference except experience, obviously for promotional

purpose in view of the agreement between the management and the Union. There is no material on record to show that these persons who have given a common affidavit have been produced before the Court for cross-examination. On the other hand, the proceedings dated 30-11-1988 and 1-12-1989 disclose that the workmen did not appear to lead evidence and therefore the case of the workmen was closed. Thus for want of cross-examination this affidavit has no evidential value so far the workmen are concerned.

14. One more witness J. N. Chowdhury has been examined on behalf of the workmen. He is already a Senior Overman as deposed by him in para 1 of his deposition. This witness appears to have been examined to show that in view of the promotional policy as per Ex. W/1 the workmen should have five years experience before he is promoted as Senior Overman. He has also produced other documents Ex. W/2 to Ex. W/6. Strangely enough, while this witness on one part states in the beginning of his examination that he was working as Senior Overman, but while closing his examination-in-chief he states that their promotion is due since 1979 after completion of five years work as Overman. Thus on one hand he admits that he is already a Senior Overman while on the other hand he says that his promotion is due since 1979.

15. While explaining the matter of promotion he says that promotion becomes due after five years experience as mentioned in Ex. W/1. He admits that there is no other order in this regard. He further says that appointment of Overman is statutory and their duties and responsibilities are laid down in the Mines Act and Rules and Foreman Act. He further admits that in these three enactments there is no mention of such posts of Overman or Senior Overman. Further clarifying his status he says that his designation at present is Senior Overman from 1982. Thus it appears that this witness has been promoted from the post of Overman to the post of Senior Overman in the year 1982, but he should have been promoted in the year 1979.

16. A perusal of Ex. W/1 shows the recommendation by the Committee for the purpose of promotion on the post of Senior/Head Overman which will be selection post and shall broadly depend on the criteria given thereunder.

17. It is true that in various replies and rejoinders the workmen have tried to clarify that 20 posts of Senior Overmen were lying vacant while only five posts have been filled up, this fact has been denied by the management in its rejoinder. However, this is not a matter under reference. That apart, joint affidavit of T. P. Mistry and R. B. Kumar is falsified by Ex. W/3 and Ex. W/6. For as per Ex. W/3 dated 27-2-81 demand of the union as per letter dated 6-2-81 for filling up the post of Senior Overman was considered and as per Ex. W-6 ten overmen were promoted as Senior Overman vide order dated 29-10-82. This part of evidence confirms the case of management that vacancies are filled in as and when required.

18. There is absolutely no evidence on record to show that by virtue of working for a period of five years as Overman as averred by the workmen in their pleadings and rejoinder as also evidence they become entitled to the post of Senior Overman/Head Overman and as such they are entitled to be designated as Senior/Head Overman and consequently they should be given wages according to the said post. There is not an iota of evidence to show that any particular workman has worked as Overman for more than five years and therefore he is entitled to be designated as Senior/Head Overman, for the joint affidavit of the workmen above cannot be considered in evidence in favour of the union.

19. Thus there is not only no pleading showing the names of the workmen who have worked for more than five years as Overman and as such they have become entitled to be designated as Senior/Head Overman, nor there is any evidence in this regard, nor there is any such rule nor any such rule has been shown to me which entitles them to the said benefit. Ex. W/1 says nothing more than that

Overman who have put in 5 years of service as Overman would be eligible for consideration for the post of Senior/Head Overman. It is not that because they have worked as Overman for five years they would automatically become Senior/Head Overman. So says W.W. 1, J. N. Choudhury also.

20. As I have already discussed above, there is no material to show that the management have taken the work of Senior/Head Overman from them. Neither there is any pleading nor there is any evidence in this regard. There is no specific reference also in this regard as to who are those Overmen who are being utilised for performing the duties of Senior/Head Overman.

21. Thus in the entire context not only the reference becomes vague but also there is no material to hold that the workmen who are Overman are being utilised for performing the duties of Senior/Head Overman with the management. On the contrary, the evidence is that the Overman and Senior/Head Overman perform the same job. The crux of the claim is that because certain overmen have completed more than five years of service as Overmen they are entitled to be promoted as Senior/Head Overman. The prayer in the claim is also that the N.A. be directed to fill up the post of Senior Overman and pay the difference of wages of those Overmen who are doing the job of Senior Overman.

22. Thus they have proceeded with the assumptions that after completion of five years of service the Overmen who are performing the job of Senior/Head Overman and as such they are entitled to be designated as Senior/Head Overman with consequential benefits which fact has not been established.

23. If the reference is read in this context, the statement of claim by the workmen as also the prayer made and relief sought, should not be treated as a matter of reference. The prayer made and relief sought by workmen is not under reference. For all these reasons, my answers to all the issues are in the negative. The workmen are not entitled to any relief. I accordingly answer the reference as follows:—

The reference as is made for adjudication is vague. The prayer made and relief sought by workmen is not under reference.

On merit, the claim of the workmen that the Overmen were being utilised for performing the duties of Senior Overman/Head Overman in Surakachhar Colliery of M/s. W.C. Ltd., Korba, District Bilaspur without proper designation and wages is not justified and therefore they are not entitled to any relief. In the circumstances of the case, parties will bear their own costs.

Awarded accordingly.

V. N. SHUKLA, Presiding Officer

[No. 22011(21)/82-D.H.L.B./R(C II)]

नई दिल्ली, 11 फरवरी, 1990

कां० आ० 550—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स इगर्टन कोलफील्ड्स लि० की मिथानी कोलियरी के प्रबंधन में संबंधित नियोक्तों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पत्रादेशों का प्रकाशित कर्त्तव्य है, जो केन्द्रीय सरकार का 7-2-90 को प्राप्त हुआ था।

New Delhi, the 14th February, 1990

S.O. 550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Mithani Colliery of M/s. Eastern Coalfields Ltd., and their workmen, which was received by the Central Government on 7-2-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

REFERENCE NO. 35/88

PARTIES :

Employers in relation to the management of Mithani Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri B. N. Lala, Advocate.

For the Workmen : Shri Noor Ali, Org. Secretary, OMS (H.M.S.) Union.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 1st February, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012 (235)/87-D. IV (B), dated 23-3-1988.

SCHEDULE

“Whether the action of the Management of Mithani Colliery of M/s. E. C. Ltd., P.O. Sitarampur, District Burdwan in not implementing the Office Order No. ECL/STA/C-6/767, dated 29-4-1982/5-5-1982 in respect of S/Shri Shankar Dey and Tabul Roy, Fitter promoting to the post of Asstt. Foreman in Technical Grade-C was justified? If not, to what relief the workmen concerned is entitled and from what date?”

21. During the pendency of the case, on 25-1-1990 Shri Noor Ali Khan, Organising Secretary of the Union moved a petition signed by him on 25-12-1989 submitting therein that the concerned Union is no longer interested to pursue the instant matter.

In the petition the Union has also prayed for a ‘no dispute’ award in this case. Shri B. N. Lala, Advocate representing the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties, this Tribunal has no other alternative but to pass a ‘no dispute’ award and accordingly a ‘no dispute’ award is passed.

This is my award.

N. K. SAHA, Presiding Officer.

[No. L-24012/(235)/87-D. IV. B/IR (C-II)]

का० ग्रा० 551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैमर्स ई०सी० लि० की नाबा काजोरा कोलियरी के प्रबन्धन में संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-90 को प्राप्त हुआ था।

S.O. 551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Naba Kajora Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 6-2-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 21/87

PARTIES :

Employers in relation to the management of Naba Kajora Colliery of Eastern Coalfields Ltd., P.O. Kajoragram, Dist. Burdwan (W.B.)

AND

Their Workman.

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri D. P. Mukherjee, Advocate

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 30th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-19012(40)/87-D.IV(B) dated the 21st September, 1987.

SCHEDULE

“Whether the action of the Management of Naba Kajora Colliery of Eastern Coalfields Ltd., P.O. Kajoragram, Dist. Burdwan (W.B.) in not protecting the pay of Sri Ramjiwan Jaisawara, Mining Sirdar, w.e.f. 23-7-83, is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the concerned workman Sri Ramjiwan Jaisawara, in brief, is that he was an underground loader w.e.f. 1-1-1973 and was confirmed in the post as a permanent workman. With a view to mend his career he passed the Mining Sirdarship Examination on 4-2-83 while working as underground loader. Even after passing the Sirdarship Examination he continued to work as underground loader till 22-7-83. When a vacancy arose the concerned workman was appointed as Mining Sirdar w.e.f. 23-7-83 and since then he has been working as a Mining Sirdar. The management did not care to protect his wages as he was a piece-rated workman and arbitrarily fixed his pay at the initial basic pay for the Mining Sirdar. He was highly prejudiced by the action of the management and has been sus-

taining recurring financial loss since his appointment as Mining Sirdar as his earlier pay was not protected. He submitted a representation on 14-11-84 for pay protection but to no effect. He was a permanent workman elevated from the post of underground loader to the post of Mining Sirdar. So he is entitled for pay protection.

3. The case of the management, in brief, is that Sri Ramjiwan Jaisawara the concerned workman is an employee of Naba Kajora Colliery. He was an underground loader as a piece-rated worker in the same colliery. To mend his career, the concerned workman being an ambitious workman prepared for appearing at the Mining Sirdarship Examination and passed it. He was not offered any privilege or sponsored by the management. It is open to everyone to mend his career without disturbing his normal duties or adversely affecting the management.

4. After passing Sirdarship Examination in February, 1983, Sri Jaisawara approached the management for an appointment as Mining Sirdar in the Colliery. On his application he was initially given officiating/temporary duty as Mining Sirdar w.e.f. 22-7-83 and when vacancy arose he was regularised as Mining Sirdar w.e.f. 23-7-83. He was given the scale of pay of Mining Sirdar in Technical and Supervisory Grade C w.e.f. 23-7-83. He accepted the initial basic pay of the Mining Sirdar without any protest as it was a new appointment. On 14-11-84 he demanded pay protection as an after thought. There is no channel of promotion from the post of underground loader to the post of Mining Sirdar in Technical and Supervisory Grade C. The whole dispute and reference is based on and revolves around a misconception. The workman is not entitled to get any pay protection as it is not a case of promotion.

5. The points for consideration are—

- (i) Whether the appointment of Sri Ramjiwan Jaisawara is a case of fresh appointment or a case of promotion?
- (ii) Is he entitled to get any pay protection?
- (iii) Is he entitled to get any other relief?

Decision

6. Points No. (i) and (ii) are taken together for the sake of convenience. Admittedly the concerned workman was a piece-rated underground loader of Naba Kajora Colliery. He was a permanent hand. It is also admitted that he passed the Mining Sirdarship Examination while working as underground loader and was appointed and posted as Mining Sirdar in the same establishment under the Eastern Coalfields Ltd., w.e.f. 27-3-83. He was given the initial basic pay in the scale for the Mining Sirdar with other usual benefits attached to the post, but his earlier pay was not protected. The workman has come with the claim that he is entitled to get pay protection as it is a case of promotion. But according to the management it is a fresh appointment and he is not entitled to get any pay protection.

7. The learned Lawyer for the management has urged before me the following points :

- (a) There is no channel of promotion to the post of Mining Sirdar from any other category.
- (b) A piece-rated workman cannot get promotion to any post with a monthly salary.
- (c) The appointment of the concerned workman as Mining Sirdar was a fresh appointment.

8. In support of the points canvassed by the learned Lawyer of the management he relied on the statements made by Sri Ram Krishna Roy MW-1. Sri Roy is the Sr. Personnel Officer of Naba Kajora Colliery where the concerned workman works. He has deposed on behalf of the employer. He has stated that Ramjiwan Jaisawara was an underground loader in Group VA (piece-rated group). Sri 436 GI/90-9.

Jaisawara passed the Mining Sirdarship Examination and approached the management for appointment as Mining Sirdar. He accepted the initial basic pay of a Mining Sirdar which was offered to him without any protest. His appointment to the post of Mining Sirdar was not a case of promotion. The post of Mining Sirdar is a statutory post under the Coal Mining Regulation, 1957 and for absorbing anybody to this post appointment is necessary. He has stated that in case of promotion there must be a channel or line of promotion. There was no line or channel of promotion. In the piece-rated group an underground loader is given special piece-rated allowance. Piece-rated system is opposed to monthly rated system as per wage and job nomenclature. The management always maintains the norms of promotion. A Departmental Promotion Committee is formed to examine and judge the suitability of employees belonging to a particular cadre. In the instant case selection was made and appointment was issued and it was not promotion. He has categorically stated in cross-examination that there cannot be any promotion to the post of Mining Sirdar from any other cadre. Even after passing the Mining Sirdarship Examination, one cannot be given promotion to the post of Mining Sirdar from any other post/cadre. He has denied the suggestion that one man can be promoted to the post of Mining Sirdar from the underground loader.

9. As against that the workman has produced a zerox copy of one pay fixation statement of one Shama Routh and a copy of the Office Order in connection with pay protection. The copy of the Office Order has been marked as Ext. W-1 on admission and the copy of the pay fixation statement has been marked as Ext. W-2 on admission. From the copy of the pay fixation statement we find that one Shama Routh got promotion to the post of Mining Sirdar and from the copy of the Office Order we find that the initial pay of Shama Routh which he was getting before his appointment as Mining Sirdar was protected. The learned Lawyer for the workman during cross-examination, put to Sri Roy, MW-1 whether it was known to him that one Shama Routh an underground loader in Madhujore Colliery under Eastern Coalfields Ltd., within Kajora Area was promoted to the post of Mining Sirdar from the post of underground loader. Sri Roy has stated that he does not know regarding any such promotion of Shama Routh.

10. To get the documents (Exts. W-1 and W-2) explained Sri D. P. Mukherjee, the Sr. Personnel Officer of Madhujore Colliery of Eastern Coalfields Ltd., has been examined as Court witness No 1. He has stated that his Colliery and Naba Kajora Colliery of Eastern Coalfields Ltd., are within Kajora Area. Sri Shama Routh was an underground loader of his colliery. Then he passed the Mining Sirdarship Examination. After passing the Mining Sirdarship Examination Shama Routh was promoted to the post of Mining Sirdar from the post of underground loader. The post of Mining Sirdar is a technical post for supervisory work. In cross-examination by the management he has stated that after promotion the pay of Shama Routh was provisionally protected and he was allowed to draw pay at the rate of Rs. 822 basic per month as that was higher than the initial pay of the post of Mining Sirdar. For final decision the matter was referred to the higher authority. In cross-examination by the workman he has clearly stated that the pay of Shama Routh was fixed in the new scale of Mining Sirdar protecting his previous pay as he was getting as underground loader. The initial pay of Mining Sirdar was Rs. 742 as per N.C.W.A.III, but the pay of Shama Routh was fixed at Rs. 822 after protecting his previous pay. He has stated that Shama Routh has been drawing his pay at the rate of Rs. 822 with usual annual increments. But the matter was referred to the higher authority. He has further stated that in case of promotion the last pay drawn by the employee before promotion is always protected and after promotion the pay of the employee cannot be less than the pay which he was drawing before promotion.

11. So, considering the documents Exts. W-1 and W-2 and the statement made by Sri D. P. Mukherjee CW-1, it cannot be said that there was no scope of promotion from

the post of underground loader to the post of Mining Sirdar. The statement made by Sri Ram Krishna Roy, MW-1 does not help the management. I find that Sri D. P. Mukherjee, the Sr. Personnel Officer of Madhujore Colliery of Eastern Coalfields Ltd., has clearly proved that Shama Routh being an underground loader was promoted to the post of Mining Sirdar and his pay was protected. So, considering the said two documents and the statement of Sri D. P. Mukherjee, I am unable to look eye to eye with the learned Lawyer for the management. Thus I find that the points raised by him cannot be sustained.

12. I find that the posting of the concerned workman as Mining Sirdar from the post of underground loader is a case of promotion and he is entitled to get pay protection as the higher authority has not decided the matter against the workman Shama Routh in similar case within same area even within three years after referring the matter to the higher authority. So these two points are answered in favour of the workman.

13. Point No. (iii)—In the result, the concerned workmen is entitled to get pay protection and his pay should be fixed in the scale of Mining Sirdars protecting his earlier pay which he was getting as underground loader and he should be given the difference of pay from 23-7-1983.

14. Accordingly the following award is rendered—

The action of the Management of Naba Kajora Colliery of Eastern Coalfields Ltd., P.O. Kajoragram, Dist. Burdwan (W.B.) in not protecting the pay of Sri Ramjiwan Jaisawara, Mining Sirdar w.e.f. 23-7-83 is not justified. Sri Jaisawara, the concerned workman is entitled to get pay protection and his pay should be fixed in the scale of Mining Sirdars protecting his earlier pay which he was getting as underground loader and he should also be paid the difference of pay from 23-7-1983 as his appointment as Mining Sirdar is a case of promotion.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-19012(40)/87-D.IV-B/IR(C-II)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 20 फरवरी, 1990

का०आ० 552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अस्सिस्टेंट इंजीनियर, कोकसिअल मैनेट्स-1 (पो. एण्ड टी.) इलाहाबाद के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-90 को प्राप्त हुआ था।

New Delhi, the 20th February, 1990

S.O. 552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Engineer Coaxial Maintenance I (P&T) Allahabad and their workmen, which was received by the Central Government on 7-2-1990.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

I. D. No. 165/89

In the matter of Dispute between

Shri Raj Nath Pandey C/o. N. C. Pandey C-323 GTC
Nagar Karchi Allahabad.

AND

Asstt. Engineer Coi-XI Maintenance P&T Transmission
Building Allahabad.

AWARD

1 The Central Government, Ministry of Labour vide its notification No. L-41011/3/88-D-2 (B), dated 19-7-1989 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Asstt. Engineer Coaxial Maintenance I (P&T) Allahabad in reverting the workman Shri Ramesh Kumar Jaiswal, Daily Rated Mazdoor w.e.f. 1-7-1986 from Cat. C. to Cat. B is justified? If not to what relief the workman concerned entitled?"

2. In the present case, none appeared from the side of the workman/Union to file the statement of Claim, despite several opportunities given to the workman. Ultimately on 17-1-1990, when none appeared from the workman/Union's side the orders were passed in the case for sending a no claim award against the workman/Union as workman/Union is not interested to prosecute the case.

3. Accordingly, reference is answered.

[No. L-41011/3/88-D.II (B)]

ARJAN DEV, Presiding Officer

का० आ० 553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट आफ पोस्ट आफिस, लखनऊ के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-90 को प्राप्त हुआ था।

S.O. 553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, Lucknow and their workmen, which was received by the Central Government on 7-2-1990.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 23 of 1989

In the matter of dispute between :

Shri Surya Nath C/o Mazdoor Sabha Hussain Ganj
Bazar Lucknow.

AND

Sr. Supdt. of Post Offices Lucknow Division Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-40012/7/88-D. 2 (B), dated 7-1-1989, has referred the following dispute for adjudication to this Tribunal :

Whether the Sr. Supdt. of post Offices Lucknow Division was justified in terminating the services of Shri Surya Nath, EDDA alamnagar Branch w.e.f. 23-5-1985 ? If not, what relief the workman was entitled to ?

2. The workman's case in brief is that he had worked under the Sr. supdt. of post Offices, Lucknow Division from 17-7-1982 to 22-5-1982. However, his services were terminated without notice, or notice pay retrenchment compensation. Thus the management violated the provisions of Sec-25-F & 25-G I. D. Act.

3. Written statement was filed on behalf of the management but on 11-1-1990 the case was ordered to proceed ex-parte against the management, the workman tendered in evidence his affidavit corroborating his case.

4. The provisions of section 25-F having not been complied with by the management, to order terminating his services w.e.f. 23-5-1981 is held as illegal.

5. Consequently, the workman is held entitled to reinstatement with full back wages. The reference is answered accordingly.

19-1-1990

Sd. /-

ARJAN DEV, Presiding Officer.

[No. L-40012/7/89-D. II (B)]

का० ग्रा० 554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-90 को प्राप्त हुआ था।

S.O. 554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 7-2-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 98 of 1988

In the matter of dispute between :
Zonal Working President,
Uttar Railway, Karamchari,
96/196, Roshan Bajaj Lane,
Ganesh Ganj, Lucknow.

AND

The Divisional Railway Manager,
Uttar Railway, Hazartganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-41012/11/87-D-II(B), dated 22-7-88 has referred the following dispute for adjudication to this Tribunal :

KYA PRABHAGIYA RAILWAY PRABANDHAK
UTTAR RAILWAY, LUCKNOW DIVISION,
LUCKNOW KE PRABANDHTANTRA KI SHRI
SARWAR KHAN SUPIRA, SHRI SAFDAR KHAN
KI 7-11-85 SE SEWAYEN SAMAPT KARNE KI
KARWAHI VAIDYANYAYOCHIT HAI ? YADI
NAHI TO SAMBANDHI KARAMKAR KIS
ANUTOSH KA HAQDAR HAI ?

2. The case of the workman Shri Sakhdar Khan son of Shri Safdar Khan has been espoused by zonal working president, Uttar Railway Karamchari Union, Lucknow. The Union's case is that said workman had worked as a porter with the Station Master, Alamnagar from 15-4-80 to 15-9-80. He had then worked under I.O.W. Construction By pass Lucknow from 5-6-81 to 18-12-81 and 21-1-82 to 14-4-82. Subsequently, by means of letter dt. 10-4-84, he was appointed as Khalasi under the Station Supdt., Lucknow. He was declared medically fit on 14-5-84. On his appointment he had worked continuously for 485 days. However, thereafter, his services were terminated w.e.f. 6-11-85 by means of letter No. Lko/ss/Kisle/85 dt. 6-11-85. The Union has then pleaded that the workman was again taken on duty on 13-1-86, whereafter he continuously worked till 15-3-88. He was again made to sit w.e.f. 16-3-88. The union has, therefore, prayed that the period from 7-11-85 to 13-1-86 and 16-3-88 onwards during which he was not given duty should be regularised and the workman be given wages for the said period.

3. The case is contested by the management. The management plead that the alleged working by the workman as porter under the Station Supdt., Alamnagar, does not fall under the control of Divisional Railway Manager, Northern Railway, Lucknow. The management further plead that I.O.W. construction under whom the workman is said to have worked from 5-6-81 to 18-12-81 and 21-12-82 to 14-4-82 should have been impleaded as party in the present case. The rest of the facts alleged by the Union in the Claim statement has also been denied by the management. According to the management, the workman in question was never engaged by any competent authority. He had fraudulently entered into the service of the railways despite ban imposed by the Railway Board for the recruitment of fresh casual labours since 1-4-78 except under the personal orders of the Divisional Rlv. Manager and after 1-1-81 without the prior approval of the General Manager. Services, if any obtained by fraud does not entitle the workman to any relief.

4. In its rejoinder the union alleges that Alamnagar Station is under the control of Divisional Railway Manager, Northern Railway, Lucknow. The Union denies that the workman entered into the services of railway fraudulently. According to the Union the appointment of the workman was perfectly in order. The letter of appointment No. 220E/5-10/porter/84, dt. 10-4-84, issued by the D.P.M., Lucknow cannot be taken as fraud committed by DRM.

5. In support of its case, the Union has filed the affidavit of the workman and a number of documents on the other hand, the management have adduced only documentary evidence.

6. Under the reference order, the Tribunal is simply require to examine the legality and justification of the order terminating the services of the workman w.e.f 6-11-85. However, from the evidence adduced by the Union in the present case it appears that such an order no longer stands, it was withdrawn.

7. In this connection I refer to the facts alleged by the union in para 13 of the claim statement and the facts deposed to by the workman in para 4 of his affidavit. In para 13 of the claim statement, it is alleged that the workman was taken back in service on 13-1-86, whereafter, he continued working till 16-3-88 when he was made to sit at home. In

para 4 of the affidavit, the workman has deposed that on his appeal he was taken back on duty on 13-1-86, whereafter, he continued working till 16-3-88. When on appeal or representation the workman he was taken back in service, it cannot be said that the order terminating his services w.e.f. 7-11-85 is still in operation. If the very order which is the subject matter of the reference order no longer exists, the question of determination of its legality does not arise. Virtually the reference has become infructuous. If after taking him back in service, his services were again terminated, the workman should either himself or through any recognised union raise a fresh dispute for its adjudication.

8. In fact, the Union should have brought this fact to the notice of the Central Government, Ministry of Labour so that the Ministry ought not to have made the present reference for adjudication to this Tribunal. The reference order, I may state here, is dated 22-7-88.

9. In the circumstances, I need not refer to the other evidence for any opinion given by me on the basis of the evidence may cause any prejudice to any party.

10. The reference is, therefore, held as infructuous and is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-41012/11/87-D.II(B)]

का० ग्रा० 555—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकाम डिपार्टमेंट, जोधपुर के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-90 को प्राप्त हुआ था।

S.O. 555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department, Jodhpur and their workmen, which was received by the Central Government on 8-2-90.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 16/89

In the matter of dispute between :

Shri Ishwar Singh S/o Shri Bhoop Singh, r/o Balarwa House, Bai-Ji-Ka-Talab, Jodhpur.

Versus

1. The P.E.P., Jodhpur Division, Jodhpur.

2. The S.D.O. Phone-II, Jodhpur.

APPEARANCES :

workman in person.

None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/17/88-D.II (B) dated nil has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Telecom Department, Jodhpur in terminating the services of Shri Ishwar Singh, Mazdoor at Jodhpur with effect from 30-12-1984 is justified? If not, to what relief is the concerned workman entitled?"

2. The workman filed statement of claim dated 1-4-89 in which it was stated that the workman was taken into service in the month of July, 82 and his services were terminated on 30-12-84 after giving him one month's notice. As he had put in continuous service of 630 days the termination of his services amounted to retrenchment but he was not paid any retrenchment compensation and the persons junior to him were retained in service and after the termination of his service fresh persons were recruited but no offer was made to him and in this way there was violation of the provisions of Sections 25-F, 25-G and 25-H of the I. D. Act. Hence he prayed for reinstatement with continuity of service and with full back wages.

3. The Management in its written statement dated 15-5-89 submitted that the respondent had started working w.e.f. July, 82 and he had put in 72 days in 1982, 101 days in 1983 and 327 days in 1984 and he did not work from May, 83 to December, 83. It was further submitted that the claimant does not fall under the definition of workman and that he was given notice before his removal from service and his removal is not retrenchment under section 2(o) of the I. D. Act. It was also denied that persons junior to the claimant had been retained in service. It was further stated that the claimant was issued letter dated 30-10-85 whereby he was asked to rejoin work but he did not respond and in this way the Management is not at fault for not calling him back in service after his termination.

4. The case was at the stage of recording of Management evidence and the Management was given number of opportunities to produce its evidence but it failed to produce any evidence. From 5-9-89, none appeared on behalf of Management, till today although the case has been adjourned for three times. Hence the Management has been proceeded ex parte. The evidence of the workman has been recorded. He has tendered in evidence his affidavit alongwith the documents Ex. W-1 to W-3.

5. The case of the workman stands virtually admitted in the written statement. The Management has admitted in its written statement that the workman had completed 327 days in 1984 when his services were terminated on 30-12-1984. The Management has not denied that it has not paid any retrenchment compensation to the workman. Under section 25-F of the I. D. Act it is mandatory for the Management to pay retrenchment compensation when it resorts to retrenchment. There is no doubt that the termination of the workman amounts to retrenchment. Hence there is clear violation of the provisions of section 25-F of the I. D. Act and the action of the Management in terminating the services of the workman is void ab initio. It is, therefore, directed that the workman be reinstated with continuity of service and with full back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

9th January, 1990.

G. S. KALRA, Presiding Officer

[No. L-40012/17/88-D.II (B)]

का० ग्रा० 556—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईनैल्स फैक्ट्री, खमारिया के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-90 को प्राप्त हुआ था।

S.O. 556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, Khamaria and their workmen which was received by the Central Government on 7-2-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(224) of 1987

PARTIES :

Employers in relation to the General Manager, Ordnance Factory, Khamaria and their workman, Shri Rajjan Singh, Labour, T. No. ST/574/60203, H. No. 1015; East Ghamapur, Jabalpur (M.P.)

APPEARANCES :

For Workman—Shr R. K. Gupta, Advocate.

For Management—Shri S. S. Jha, Advocate.

INDUSTRY : Ordnance Factory DISTRICT : Jabalpur (M.P.)

AWARD

Dated, January, 29, 1990

By Notification No. L-14012/1/86-D.II (B) dated 16-10-1987 the Central Government, Ministry of Labour, referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of Ordnance Factory, Khamaria in dismissing Shri Rajjan Singh Labour, w.e.f. 6-5-1983 from service is justified? If not, to what relief is the workman concerned entitled?"

2. Brief facts leading to this case are that the workman, Rajjan Singh, was in permanent employment of the management on the post of Labour. He was charge-sheeted for theft of Government property etc. and departmental enquiry was held against him. After the departmental enquiry his services were terminated with effect from 6-5-1983.

3. The case of the workman is that he was charge-sheeted on false and flimsy ground. He was not given an opportunity to defend himself. The defence assistance was also not allowed. The proceedings were recorded in a language which was not understood by him. It was just an empty formality and violation of principles of natural justice. No proper notice of enquiry was also given to the workman. The alleged stolen property was also not brought in the enquiry to have the proper identification of the alleged property belonging to the Government. The enquiry is perverse. No show cause notice was given to him. No personal hearing was given to him. Looking to the past record the punishment is harsh and excessive. Order being perverse and illegal, he is entitled to be reinstated with full back wages and benefits.

4. According to the management, the workman had stolen two pieces of brass components which were identified to be '117 body stamping'. He was charge-sheeted for the theft of Government property, failure to maintain absolute integrity and conduct unbecoming of a Government servant. The enquiry was held as per rules. He was given full opportunity to defend his case. Penalty of dismissal was proper. The establishment is performing sovereign functions and is excluded from the purview of the term 'industry'. Ordnance Factories are not industries and I. D. Act is not applicable to them. The disciplinary cases of the employees of Ordnance Factories are dealt with in accordance with the provisions of C.C.S. (C.C.A.) Rules 1965 and not under the Industrial Employment (Standing Orders) Act. The Court has,

therefore, no jurisdiction to decide the reference and adjudicate upon it.

5. At the outset I must point out that Hon'ble Supreme Court has clearly laid down in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa (AIR 1978 SC 969) (See para 172 at page 973) that Ordnance Factories are 'industries' within the definition of Sec. 2(j) of the I. D. Act. This fact has further been confirmed by the M.P. High Court in case of Rajendra Naidu Vs. Union of India and two others (M.P. No. 1969/83). I need not go into the detailed discussions on the point whether the management is an industry or not because this fact has been settled and this Court has consistently taken this view. Therefore, I hold that the Ordnance Factory, Khamaria, is an 'industry' and this Court has jurisdiction to entertain the case under the I. D. Act.

6. Now coming to the evidence on record, I find that the management has neither cooperated in the proceedings nor has it filed the record of departmental enquiry, nor has it claimed that if this Court holds that the domestic enquiry is not proper it should be permitted to lead evidence in relation to the misconduct of the workman as laid down in the following cases :—

1. The Cooper Engineering Ltd. Vs. P. P. Mundhe (AIR 1975 SC 1900).

2. Shambhu Nath Goyal Vs. Bank of Baroda and Ors. (AIR 1984 SC p. 289).

7. That apart, the management was extremely negligent in conducting its case. Management appeared before this Court for the first time on 17-8-1988 and filed the statement of claim. Case was, however, registered on 27-10-87 and none appeared for the management on 30-11-87, 1-1-88, 3-2-88, 2-3-88, 4-4-88, 2-5-88, 1-6-88 and 24-6-88. After filing the statement of claim the management again remained absent on 13-9-1988, 20-11-1988, 17-11-1988 and 26-12-1988. On 14-2-1989 Shri A. K. Choubbe, Advocate, appeared on behalf of the management, then again nobody appeared on behalf of the management on 3-4-1989 and 25-4-1989. Again on 25-9-1989 Shri S. S. Jha, Advocate, appeared on behalf of the management, but thereafter on 23-10-1989, 29-11-1989 and 14-1-1990 no one appeared on behalf of the management. Ultimately, this Court proceeded ex parte against the management on 29-11-1989 and fixed the case for ex parte evidence for 24-1-1990.

8. On 24-1-1990 an affidavit was filed by the workman stating on oath that he was not given opportunity to cross-examine the witnesses of the management viz. Kishan Singh, L. K. Sinha and Radha Kishan. He has further stated on oath that he was not given an opportunity to examine defence witnesses. He has further stated that he was falsely implicated and he has not committed any alleged theft. He has also stated that while the witnesses of the management who have been examined, other witnesses for the management were hearing. There is nothing on record to disbelieve this part of the statement of the workman made on affidavit.

9. Obviously, for the reasons given in the affidavit the departmental enquiry cannot be held to be in accordance with law. Domestic Enquiry file is also not before this Court and I have reason to draw an adverse inference against the management for not producing the same.

10. Thus the departmental enquiry being bad in law and against the principles of natural justice, the order of dismissal is liable to be and is hereby set aside with a direction that the workman, Rajjan Singh, shall be deemed to be in continuous service with back wages and all consequential benefits. Reference is, therefore, answered as follows :—

That the action of the management of Ordnance Factory, Khamaria in dismissing Shri Rajjan Singh, Labour w.e.f. 6-5-1983 from service is not justified. He is entitled to be reinstated with back wages and all consequential benefits. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-14012/1/86-D.II (B)]

का० आ० 557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईस्टर्न रेलवे, धनबाद के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को —————को प्राप्त हुआ था।

S.O. 557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Eastern Railway, Dhanbad and their workmen, which was received by the Central Government

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Dispute Act, 1947

Reference No. 100 of 1988

PARTIES :

Employers in relation to the management of Eastern Railway, Dhanbad Division, P.O. Dhanbad.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri J. P. Singh, Advocate

For the Workmen—Shri J. D. Lal, Advocate.

STATE : Bihar. INDUSTRY : Railway.

Dated, the 11th January, 1990

AWARD

By Order No. L-41012/66/87-D-II, dated 28-7-88 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management of Eastern Railway, Dhanbad in removing from service Sri Sydney Joseph Anthony, Electric Driver, Grade 'C' vide its letter No. ELS/421/3/212/83 dated 13-1-84 is justified. If not to what relief the concerned workman is entitled to?"

2. The case of the management of Eastern Railway, Dhanbad, appearing from the written statement submitted by it, details apart, is as follows :

The present dispute is not maintainable since the disciplinary action and punishment meted out to the concerned workman by the management as he was a Railway employee and that no specific demand has been made therefore the management in the particular case before raising the industrial dispute. The substantive case of the management is that the concerned workman, an Electric Driver Grade

'C' was chargesheeted for misconduct by memo dated 21-9-83. On 21-8-83 while he was working as Driver of Loco No. 535 he whimsically refused to work the train from Bandhua to Gaya. This he did in spite of instruction directing him to carry the train by the Sr. Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad. He violated the order on the plea that instructions issued to him were against the specific orders of the Chief Operating Superintendent and Chief Electrical Engineer, Eastern Railway, Calcutta. He was chargesheeted for his disobedience of the order and was suspended from service pending domestic enquiry. He submitted his explanation to the chargesheet which was found unsatisfactory and therefore Sri P. K. Banerjee, T.D.I./DHN was appointed Enquiry Officer who fixed the date for holding domestic enquiry giving notice to him to appear in the said enquiry. He, however, avoided the domestic enquiry on one plea or another and in the circumstances, the Enquiry Officer conducted the case ex-parte. The Enquiry Officer, after due consideration of the relevant circular in the matter working in goods train and also explanation submitted by the concerned workman to the charge levelled against him, submitted his report. In consideration of the report of the Enquiry Officer and the evidence adduced, the Disciplinary Authority, Sr. Divisional Electrical Engineer (TR) removed him from service. He preferred an appeal before D.R.M./DHN who is the Appellate Authority. The Appellate Authority, in consideration of the facts and circumstances of the case, confirmed the punishment imposed by the Disciplinary Authority. The concerned workman did not file any review petition against the order of the Appellate Authority. During the conciliation proceeding the management appeared and took the plea that the concerned workman disobeyed the order passed by the local authority in carrying out the train which constituted a misconduct and he disobeyed the order of his superior causing loss of time and dis-location of railway traffic. Anyway, he preferred mercy application which was considered by the appropriate authority and the Appropriate Authority gave him a chance for re-employment which was not availed of by him. He adopted an adamant attitude and refused to comment on the matter before the Conciliation Officer and as a result the conciliation proceeding ended in a failure. It is asserted that the domestic enquiry was held fairly and properly, and in case the management is unable to produce documents relating to domestic enquiry, fresh evidence will be adduced to establish the misconduct committed by the concerned workman.

3. The case of the concerned workman, as appearing from the written statement submitted by him, bareft of unnecessary details, is as follows :

He had been working as Grade 'C' Electric Driver at Gomoh, Eastern Railway, under the immediate control of Sr. Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad under Dhanbad Division. He had put 35 years of long continuous unblemished record of service in the Eastern Railway. He was never chargesheeted nor was any domestic enquiry ever held against him for any misconduct, whether major or minor. On 21-8-83 he was working P. C. Chunar Special with double headed Loco which was carrying a load of 43 box + B.V. He was working in rear Loco No. 535. The train arrived at Bandhua Station at 5.18 hours and as per order of the Section Controller and Traction Local Controller on duty at Dhanbad, the A.S.M. on duty at Bandhua issued advice to the Driver of the front Loco No. 668 to detach from the Loco at 5.30 hours and the concerned workman was then advised to work the train with single Loco No. 535 of which he was the Driver from Bandhua to Gaya Section. He informed the Sr. Section Controller and Traction Loco Controller that it was not possible under existing order of the Chief Operating Superintendent Eastern Railway, Calcutta, who is the authorised officer to frame rules to work Chunar Special with a single locomotive. In Chapter of the Railway Working Time Table, part IV of Dhanbad Division No. 38, enforced from 1-4-1983 the directions have been laid down under the head "Electric and Diesel Loco Holding, load etc." at para 3.2.3:

"The maximum number of vehicles, loaded and empty mixed shall not exceed the figures given below

even if the tennage of the train false below. All empty Boxes, however, may run to the maximum of 44 Box subject to limitation of loco capacity except in Gurpa-Gujhandi Section where number shall not exceed 40.

UP DIRECTION

LOCO	Between Andal & Gaya
WAG-1, WAG-2	
WAG-3, WAG-4	35 Boxes+28/Van
WAM-4 & WAM-4A."	

At the relevant time he was working in WAG-4 Loco No. 535 the maximum permissible load of which between Andal and Gaya (between Bandhua and Gaya) was 35 Box+2 Van in accordance with the aforesaid order of the competent authority in the Working Time Table. But ignoring the lawful order of the competent authority and endangering the public safety, he was being forced and threatened by the Senior Divisional Electrical Engineer (TR) to work the said train having excess loaded Box wagons of 43+18/Van. He being loyal government servant, expressed his inability to violate the lawful order of the competent authority and endanger the safety of the public and national property. It is alleged that with a view to wreck vengeance on him the Asstt. Electrical Engineer (Op) Eastern Railway, Dhanbad, suspended him from service immediately and formal letter of suspension dated 24-8-83 was issued by him having retrospective effect from 22-8-83. He was arraigned with major penalty chargesheet dated 21-9-83 for being disobedient to and having refused to carry out the order of his superior. He made an appeal dated 18-9-83 against the illegal order of suspension to the Senior Electrical Engineer (TR), Eastern Railway, Dhanbad, pointing out that he acted according to the lawful order of the competent authority. He again submitted an explanation dated 6-10-83 to the chargesheet to the Senior Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad stating that he did not violate the order of the Chief Operating superintendent, Calcutta, who was authorised Officer to frame rules for working of trains. He demanded a copy of other documents on the basis of which Traction Loco Controller, insisted on his working the train having the maximum load of 43 Box loaded wagons+B/Van with single locomotive. It is alleged without affording him any opportunity the Senior Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad decided to hold domestic enquiry and appointed Sri P. K. Banerjee, T.D.D/Dhanba to enquire into the charges. He objected against the illegal order of the enquiry without giving him any opportunity to have the copies of most vital documents by his letter dated 29-10-83. He requested amongst other things, to grant him access to the documents and assistance of a defence helper. But the Senior Divisional Electrical Engineer (TR) did not give any reply to his said request nor was he given any opportunity to submit his statement of defence. He again sent a representation to the Senior Divisional Electrical Engineer (TR), Dhanbad requesting him to give him the assistance of Sri H. N. Chatterjee, Sr. T.I. (C) under A.C.O.P.S. (EL), Eastern Railway, Dhanbad, and requested him to get his defence helper Sri H. N. Chatterjee spared to attend the enquiry on the same date. But the Enquiry Officer refused to receive the letter and so he at once made representation immediately to Senior Divisional Electrical Engineer (TR), E. Rly., Dhanbad, through Traction Foreman (R), Gomoh on 28-11-83. But the Enquiry Officer, ignoring his lawful and reasonable request arbitrarily held the enquiry ex-parte on the same date. He has stated that there is provision for getting the helper of any other railway servant/employee of the same Railway Administration in domestic enquiry under Railway Servants (Discipline and Appeal) Rules, 1968. In spite of the provision in the Rule his defence helper was neither informed nor was he spared by the Administration to attend enquiry on his behalf. The Enquiry Officer held the domestic enquiry unfairly and improperly and submitted his biased report holding him guilty of the charges levelled against him without giving him reasonable opportunity for participating in the enquiry and in doing so he violated the principle of natural justice.

Consequently he was removed from service by notice dated 31-1-84 with effect from 15-1-84. He filed a Writ petition in Patna High Court (Ranchi Bench) against his order of removal from service. He, however, withdrew the same and made an appeal to the higher authority, but that was turned down. He has been sitting idle since his removal from service and has been deprived of his pension, gratuity and other retirement benefits due to his removal from service. He attained the age of superannuation with effect from 1-10-86. He was removed from service by Senior Divisional Electrical Engineer (TR), Rly. Dhanbad, who has no legal authority to do so under Railway Servants (Discipline and Appeal) Rules, 1968. In the circumstances, he has prayed that the order of the management of Eastern Railway in removing him from service with effect from 15-1-84 be held to be unjustified and the order of his removal from service be set aside and the management be directed to pay him wages and other emoluments etc.

4. In rejoinder to the written statement of the concerned workman, the management has stated that performance of the concerned workman was not satisfactory inasmuch as action has been taken against him under Railway Disciplinary and Appeal Rules atleast 9 times since 1970. Furthermore, he participated in the illegal strike in May, 1974. The Working Time Table is a set of instructions pertaining to various departments and issued by C.O.P.S. It is necessary for all the staff to follow these instructions. However, with the change in operating pattern, rolling stock etc. these instructions are changed from time to time. Pending revision of the working time table, the staff concerned are advised of the changes. It is obligatory on the part of all staff to obey (a) all rules and special instructions and (b) all lawful orders given by his superiors. The load specified in the Working Time Table for WAG-1 to 4 and WAM-4 class of locomotives is 2950 tonnes for Gurpa-Gaya section. C.O.P.S. and C.E.E. during their inspection of Dhanbad in 1983 instructed haulage of 44 Box rakes (3660 tonnes) beyond Bandhua with only one such engine. They also advised that the Working Time Table would be revised only after the system had established itself. The instructions were accordingly circulated to all the running staff through the media of Notice Book. The concerned workman was working BVH Special with WAG-4 Loco 980 on 20-5-83 and refused to work a 44 Box load from Bandhua to Gaya although instructions for such working were circulated. His case was taken up under formal Disciplinary & Appeal Rules. Again on 21-6-83 he refused to work Chunal Special from Bandhua under similar circumstances. He, however, expressed regret for his disobedience of order and the case was reviewed leniently by A.E.E. (Op.). However, again for the 3rd time on 21-8-83 he refused to work 43 Box load with a single WAG-4WAM locomotive. Due to his repeated disobedience of orders, there was no alternative with the A.E.E. (Op) than to place him under suspension and took up his case under the normal Disciplinary and Appeal Rules under Railway. Most of the allegations of the concerned workman in his written statement are against holding of proper enquiry. But these allegations are not tenable as the enquiry was held fairly and properly in the circumstances, the management has prayed that its action in dismissing him from service be held to be justified.

5. In rejoinder to the written statement of the management, the concerned workman has stated that the present reference is maintainable since he, being employed in railway which is an industry, is governed by the provision of Industrial Disputes Act and hence the present dispute is an industrial dispute. He has pointed out that an appeal before the appellate authority was made that was rejected. Then again he made a representation dated 21-3-86 to the General Manager, Eastern Railway, Calcutta and in consideration of which he was offered a fresh employment as Shunter which he did not accept. It is not at all necessary to make a formal demand for re-instatement with the management before raising a dispute before the Conciliation Officer when his appeal was already dismissed. He has denied that he whimsically disobeyed to work the train from Bandhua to Gaya. He acted according to the Time Table for drivers of the railway in force at that time and so he

did not commit any misconduct. He could not give any explanation in reply to the chargesheet as his request for making relevant documents available was not complied with and an ex-parte enquiry was made without affording him reasonable opportunity.

6. The management removed the concerned workman from railway service after having found him guilty of misconduct in a domestic enquiry. But the management could not produce the proceeding of the domestic enquiry including the statement of witnesses and the documents relied upon. In such a predicament, evidence, both oral and documentary, was adduced on merits. The management examined three witnesses, namely, M.W.1 S. P. Jaiswal, an Electric Locomotive Driver, M.W. 2 S. R. Kar, working in Traction Branch of D.R.M. Office, Dhanbad and M.W.3 A. Moitra, Traction Foreman (Running) and laid in evidence a mass of documents which have been marked Exts. M-1 to M-6. On the other hand, the concerned workman has examined himself as W.W. 1 and laid in evidence a sheaf of documents which have been marked Exts. W-1 to W-20/1.

7. Admittedly, Sydney Joseph Anthony, the concerned workman was employed as 'C' Grade Electric Driver at Gomoh, Eastern Railway, under the immediate control of Senior Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad under Dhanbad Division before his removal from service by letter of the management dated 13-1-1984. Railway is an industry within the meaning of Sec. 2(j) of the Industrial Disputes Act and removal of a railway employee from service is an industrial dispute within the meaning of Sec. 2(k) of the said Act. This being the position, the present industrial dispute as raised by the concerned workman is perfectly maintainable.

8. It appears that after his removal from service, the concerned workman made an appeal before the appropriate authority against the punishment meted out to him but with no effect. It appears that he made a representation dated 21-3-83 to the General Manager, Eastern Railway, Calcutta after his appeal was dismissed. But the General Manager, instead of reinstating him in service, offered him fresh employment as Engine Turner, admittedly a post lower than the post he was holding immediately prior to his removal from service. It is an undeniable position that he refused the offer of fresh employment in a lower post as made by the General Manager. In such a predicament, he raised the present industrial dispute and a formal demand on the management for reinstatement in service in such circumstances would have been an empty formality. Besides, it is not necessary to raise a formal demand on the management before raising the industrial dispute. In this view of the matter the present industrial dispute is maintainable.

9. Admittedly, on 21-8-83 the concerned workman was working E. C. Chunar Special, a goods train having a load of 43 Box wagon+2 Brake Vans with double headed locomotives, the leading Engine been driven by MW-1, S. P. Jaiswal and the rear Engine was being driven by him, both the Engines being of WAG-4 Type. There is no dispute that the train was proceeding Ex-Gomoh to Gaya and that the train arrived at Bandhua Station at 5.18 hours on intermediate station between Gomoh and Gaya at 5.18 hours when, as per order of the Section Controller and Traction Loco Controller on duty at Dhanbad, the A.S.M. on duty at Bandhua Station advice to the Driver of the Front Locomotive No. 068 to detach the Engine from the load and the driver of that Engine MW-1 did so. The concerned workman was advised to work the trails with single Loco No. 535 from Bandhua to Gaya Section. It is the firm case of the concerned workman, not disputed by the management, that he informed the Sr. Section Controller and Trails Loco Controller that it was not permissible under the existing order of the Chief Operating Superintendent, Eastern Railway, Calcutta, who was the authorised Officer to frame rules to haul a load of 43 Box Wagons + 2 Brake Vans with a single Locomotive of WAG-4 Type. The concerned workman has testified that thereupon he was directed by the authorities to detach his Engine and proceed to Gomoh and that when he reached Tankupa, the next Station

after Bandhua on the down line, he was relieved of his duty and was directed to go back to Gomoh. His further testimony is that on arrival at Gomoh his duty hours were over and he signed off and thereafter he was visited with an order of suspension. This testimony of the concerned workman has not been assailed in cross-examination.

10. The matter did not rest there; Sr. Divisional Electrical Engineer (TR), Eastern Railway, Dhanbad, issued a chargesheet dated 21-9-83 which, if proved, could have ended in imposition of major penalty against the concerned workman on the following terms :

"S. J. Anthony, Electric Driver Gr. 'C' while working on 21-8-83 EC Chunar Spl. with D/M Locos in rear Loco No. 535 (consisting a load of 43 Box+BV) the train arrived BNT (Bandhua) at 5.18 Hrs. As per existing procedure, after detachment one Loco i.e. front Loco No. 068 from the load at 5.30 Hours, he himself whimsically refused to work the train with single loco Ex-Bandhua to Gaya. To avoid detention to the train his loco No. 535 had to be detached and Loco No. 068 had to reattach to 7.30 hours to work the train by Driver Sri S. P. Jaiswal and thus the train left BNF at 7.49 hours after suffering a total detention of about 2-1/2 hours. This indicates clearly a case of violation of existing instructions by the said Sri S. J. Anthony."

11. I have already stated before that the management could not produce the proceeding of the domestic enquiry before this Tribunal and adduced evidence on merits. The case of the management on merits, is reiterative of its case in the domestic enquiry—disobedience of the concerned workman to carry out the lawful order of his superior in working the train styled Chunar Special with a single Loco No. 535 Ex-Bandhua to Gaya on 21-8-83.

The defence of the concerned workman is inconformity with the stand as taken by him earlier (Ext. W-7). His defence is that he has not violated the lawful order of the Chief Operating Superintendent, Eastern Railway, Calcutta, who is the authorised Officer to frame rules for working of trains and that any order superseding the order of the Chief Operating Superintendent, Eastern Railway, Calcutta was never brought to his notice.

12. It is an undeniable position that the Chief Operating Superintendent, Eastern Railway, Calcutta, is the authorised Officer to frame rules for operational system of Eastern Railway. It is also an undisputed position that Working Time Table is prepared for operational system and that is prepared under the supervision and order of Chief Operating Superintendent, Eastern Railway, Howrah. MW-1 S. P. Jaiswal, an Electric Driver, who accompanied the concerned workman on the fateful day in Chunar Special with another Engine bearing Loco No. 068 on the front of the train, has testified this position in his testimony. MW-2 S. R. Kar has stated that Chief Operating Superintendent, Eastern Railway, Calcutta, is the head of operating branch of Eastern Railway. Thus, it is obvious that Working Time Table is prepared and issued by the Chief Operating Superintendent, Eastern Railway, Calcutta.

MW-1 S. P. Jaiswal has stated that every driver is required to abide by the Working Time Table. MW-2 S. R. Kar has also stated that Working Time Table is issued by the Chief Operating Superintendent, Eastern Railway, Calcutta in terms of which the drivers are guided. The concerned workman has also stated as a 'C' Grade Driver he has to work in terms of Working Time Table issued by Chief Operating Superintendent, Eastern Railway, Calcutta and that he had followed the Working Time Table for safe running of train. He has further testified that these Working Time Tables are issued alternatively every six months i.e. in the month of April and November every year and that if any change is required that is recorded in the next issue. His testimony in this respect has not been assailed in cross-examination. This being so, it is required to be seen what was instructions laid down in the Working Time Table that was in force at the relevant time.

13. Working Time Table Part IV bearing No. 38 was effective from 1-4-1983 (Ext. W-3). The relevant excerpt of the Working Time Table is gleaned hereinbelow :

"3.2.3. Permissible Load of Goods Trains in terms of wagons—

The Maximum number of Vehicles, a loaded or loaded and empty mixed, shall not exceed the figures given below, even if the tonnage of the Train falls below. All empty Boxes however may run to the maximum of 44 box subject to limitation of loco capacity except in Gurpa-Gujhandi Sections where number shall not exceed 40.

UP DIRECTION

LOCOS	BETWEEN
WAM-1, WAM-2 and WAM-3	UDL-GYA 70 FIW+1 B/V 29 BOX—2 B/V 35 BFR—1 B/V
WAG-1, WAG-2, WAG-3 and	73 FIW—1 B/V
WAG-4, WAM-4 and WAM-4A	35 BOX—2 B/V. 38 BFR—1 B/V."

There is no dispute that on 21-8-83 Chunal Special consisting a load of 43 Box+2 B/Vs, was proceeding to Gaya Ex-Gomoh with two WAG-4 Type Locomotives, one on the front bearing No. 068 driven by MW-1 S. P. Jaiswal and another in the rear bearing No. 535 driven by the concerned workman and that at Bandhua, an intermediate Station, the front locomotive was detached and the concerned workman was asked to proceed to Gaya with a single locomotive. The concerned workman has stated that on that day he left Gomoh with double Engine tagging 43 loaded goods wagons+2B/Vs and that in the leading Engine S. P. Jaiswal was there and he was in the rear Engine. This testimony of his has remained unassailed in cross-examination.

14. According to the Working Time Table in force at that time 35 Box Wagons+2B/Vs were the permissible load of goods in terms of wagons (Ext. W-3). Since the load exceeded the permissible limit the concerned workman was within his right not to work out the train with a single loco No. WAG-4 Type. The management, in order to reinforce its contention that the concerned workman was disobedience of the lawful order of his superior, has produced in evidence Office Order dated 19-11-82 (Ext. M-2) which runs as follows:—

No. ELS/414/0

Dhanbad, dated the 19-11-82.

Sub : Hauling of 44 Box rakes with single locomotive ex. Bandhua.

C.O.P.S. instructed during the discussion at Dhanbad on 18-11-82, that 44 Boxes rakes will be hauled by Double Locos upto Bandhua only. At BNF one of the Locomotive will be detached and thereafter train will work further with single Locomotive. No change in the working time table is contemplated for this purpose. This will be thought of, only after the system has established itself.

We may instruct to all the drivers in this respect.

Sd/-

Sr. D.E.E. (TR)/Dhanbad."

Shri J. P. Singh, Advocate for the management, has submitted that in terms of this Office Order the concerned workman was under an obligation to work out the train having 43 Box Wagons+2B/Vs. But it remains to be seen whether this Office Order was communicated to the concerned workman or not. The defence of the concerned workman is that it was never communicated to him.

The management, in support of the position that it was communicated to the concerned workman has produced. Notice (Ext. M-3) relevant excerpt of which runs as follows :

"UP Train of 44 Box Hauled by Double Electrical Loco will stop at BNF for detaching one Loco. The train will leave BNF single power."

MW-2 S. R. Kar has stated that the Office Order was issued under the signature of S. C. Nagpal, the then Sr. Divisional Electrical Engineer (TR), Dhanbad and that this Office Order was circulated through Notice Board. He has admitted that he has got no personal knowledge about circulation of that Office Order at Gomoh, but has stated that Sri J. N. Lall, the then A.E. (Op) took a copy of the Office Order to Gomoh and pasted the same on the Notice Board. In cross-examination he has got no personal knowledge about circulation of that Office Order but he could not say whether actually Sri Lall visited Gomoh in connection with circulation of the Office Order. He has admitted that he could not say if the Office Order was circulated amongst the drivers at Dhanbad. The management has not examined Sri J. N. Lall, but instead examined MW-3 Sri A. Moitra, who was posted as Traction Foreman (Running) between 1982-83. He has stated that Notice (Ext. M-3) was prepared in the Running Office and it was circulated to the concerned workman whose signature appears at serial No. 147 and it is signed by him. This notice in question is No. 14 dated 21-11-82. It is followed by other three notices bearing No. 15 dated 19-11-82, No. 16 without any date and No. 16A dated 19-11-82. The signature of the concerned workman appears at serial No. 147. This being the position, it cannot be stated with a modicum of certainty as to which notice or notices was/were circulated to the concerned workman by obtaining his signature. Even so, Ext. M-3 does not by itself indicate that it was issued at the instance of Chief Operating Superintendent, Eastern Railway, Calcutta. That apart, the type of Engine that was required to haul superseding the extant working time table the load of 44 Box wagons has not been mentioned in this notice. In the subsequent Working Time Table (Ext. W-3/1) the position as obtaining in Working Time Table in force from 1-4-83 (Ext. W-3) has not been materially changed. The relevant portion of the subsequent Working Time Table is gleaned hereinbelow :

"3.2.3. Permissible Load of Goods Trains in terms of wagons—

The Maximum number of Vehicles, a loaded or loaded and empty mixed, shall not exceed the figures given below, even if the tonnage of the Train falls below. All empty Boxes however may run to the maximum of 44 box subject to limitation of loco capacity except in Gurpa-Gujhandi Sections where number shall not exceed 40.

UP DIRECTION

LOCOS	BETWEEN—UDL—GAYA
WAG-1, WAG-2, WAG-3 and	73 FIW+1 B/V
WAG-4, WAM-4 and WAM 4A	44 BOX+2 B/V
(When double headed)	44 BFR+1 B/V."

15. Considering all these facts and circumstances, I have no hesitation to hold that the concerned workman was within his right to abide by the Working Time Table issued by the Chief Operating Superintendent, Eastern Railway, Calcutta (Ext. W-3) and that he cannot be faulted for not working the train having a load of 43 Box wagons+ 2 B/Vs with a single locomotive of WAG-4 Type.

16. The management, in a bid to retrieve the issue has canvassed the hauling capacity of different type of Electric Engines. But the hauling capacity of different types of Electric Engines has got nothing to do with permissible load of goods train in terms of wagons. In my view, this is an attempt to obfuscate the issue and to draw a red herring across the track. This being the position, I come to the inescapable conclusion that the concerned workman did not refuse to carry out the lawful order of his superior and consequently his removal from service on that count is not at all justified.

17. It is garnered in evidence of the concerned workman that he was suspended from service from 22-8-83 and was finally removed from service on 15-1-84. He reached the age of superannuation on 30-9-86. In the circumstances, it is not a worthwhile proposition to direct the management to reinstate him in service. Accordingly he should be paid his full due wages from the date of his suspension from service till his retirement together with other superannuation benefits.

19. Hence, the following award is rendered—the action of the management of Eastern Railway, Dhanbad, in removing from service Shri Sydney Joseph Anthony, Electric Driver, Grade 'C' by letter dated 13-1-84 is not justified. The order of his removal from service as passed by the management is hereby set aside. The management is directed to pay him his full due wages from the date of his suspension till the date of his retirement from service, less wages already drawn, together with other superannuation benefits as admissible to him.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-41012/66/87-D.II(B)]

कां० 558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अस्मिटेन्ट इंजीनियर, (इलेक्ट्रिकल) पोस्टल इलेक्ट्रिक डिब्बोजन, नरायना, नई दिल्ली के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-90 को प्राप्त हुआ था।

S.O. 558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Engineer (Elec.), Postal Electric Division, Naraina, New Delhi and their workmen, which was received by the Central Government on 8-2-90.

ANNEXURE

BEFORE SHRI S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 125/89

In the matter of dispute between :

Shri Harpal Singh and others through Circle Secretary,
All India P&T Civil Wing, Non-Gaz. Employees
Union, T-16, Atul Grove Road, New Delhi-110001.

Versus

Assistant Engineer (Electric),
Postal Electric Division,
23, Community Centre, Naraina,
New Delhi.

APPEARANCES :

Shri Harpal Singh in person.

None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/6/88-D-2(B) dated Nil has referred

the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Assistant Engineer (Electric), Postal Electric Division, Naraina, New Delhi in terminating the services of the following labourers w.e.f. 29-2-88 is legal and valid ? If not, to what relief they are entitled to?"

1. Shri Harpal Singh, Assistant Wireman.
2. Shri Rajender Kumar, Khalasi,
3. Shri Narender Singh, Khalasi,
4. Shri Mahipal Singh, Driver.

2. The Union has not filed any statement or claim and instead produced a letter dated 31-1-90 to the effect that the individuals whom the Union represented have already filed a petition in the Central Administrative Tribunal, Principal Bench and hence there is no need to pursue the matter before this Tribunal. The statement of Shri Harpal Singh one of the affected persons has also been recorded.

3. In view of the letter from the Union and the statement of the workman this dispute is disposed of as withdrawn.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer

2-2-1990.

[No. L-42011/6/88-D-II(B)]

कां० 559.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विहकल फैक्ट्री, जबलपुर के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-90 को प्राप्त हुआ था।

S.O. 559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vehicle Factory, Jabalpur and their workmen, which was received by the Central Government on 7-2-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (83) of 1987

PARTIES :

Employers in relation to the management of Vehicle
Factory, Jabalpur and Shri Indrajeet Yadav, S/o.
Shiv Pyare, House No. 214, Near Ranji Chungi
Chowki, Ranjhi, Jabalpur (M.P.).

APPEARANCES :

For Workman.—Shri R. Menon, Advocate.

For Management.—Shri A. K. Chaube, Advocate.

INDUSTRY : Vehicle Factory. DISTRICT : Jabalpur
(M.P.).

AWARD

Jabalpur, the 29th January, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-14012/6/86-D.II(B) dated 12th June, 1987, for adjudication of the following dispute :—

"Whether the action of the management of Vehicle Factory, Jabalpur in terminating services of Shri Indrajeet Yadav, Labour 'B' is justified? If not, to what relief is the concerned workman entitled?"

2. Undisputed facts of the case are that the workman was appointed as Ty. Labour 'B' on 4-3-1983 on probation in the Vehicle Factory at Jabalpur. His services were terminated with effect from 31-8-1984. He was in continuous service for a period more than one year as required under Sec. 25B of the I.D. Act.

3. The case of the workman is that his termination was in violation of Sec. 25F of the I.D. Act and it amounts to retrenchment under Sec. 2(oo) of the I.D. Act. Hence the termination of the applicant workman from service is ab initio void and is liable to be set aside with back wages etc.

4. According to the management, the performance of the workman was unsatisfactory during the period of probation and the probation was extended as per terms and conditions of the appointment twice. He had given a false educational certificate in regard to his qualification at the time of his appointment and therefore his services were terminated with effect from 31-8-1984. His termination is in accordance with the provisions laid down in C.C.S. (C.C.A.) Rules and Conduct Rules. The management is not industry and is not covered under the I.D. Act and the applicant is not a workman. The action taken against the applicant is proper and he is not entitled to any relief as claimed.

5. So far the question that Vehicle Factory is not an 'industry' is concerned this point has been well settled by the Hon'ble Supreme Court in the case of Bangalore Water Supply & Sewerage Board Vs. A. Rajappa (AIR 1978 SC 969) para 172, relevant part of which is as under :—

"Items 8, 11, 12, 17 and 18 of the first Schedule read with section 2(n)(vi) of the Industrial Disputes Act render support to this view. These provisions which were described in Hospital Mazdoor Sabha (AIR 1960 SC 610) as 'very significant' at least show that, conceivably a Defence Establishments, a Mint or a Security Press can be an industry even though these activities are, ought to be and can only be undertaken by the State in the discharge of its constitutional obligations or functions. The State does not trade when it prints a currency note or strikes a coin. And yet, considering the nature of the activity, it is engaged in an industry when it does so."

It has also been held by M. P. High Court in M. P. No. 1969/83 Rajendra Naidu Vs. Union of India and two others that such type of industries are 'industries' within the definition of the I. D. Act and obviously for this reason the Government of India has referred the dispute to this Tribunal. I, therefore, need not go into the details to discuss this point and hold that Vehicle Factory, Jabalpur is an 'industry' within the definition of Sec. 2(j) of the I. D. Act and the applicant is a 'workman' under Sec. 2(s) of the I. D. Act.

6 It is not disputed that provisions of Sec. 25-F were not complied with or that the applicant was given retrenchment compensation. It is also not disputed that the applicant had completed one year's continuous service as defined under Sec. 25-B of the I. D. Act. It is also not

disputed that the applicant was not given an opportunity to show whether he had given a false certificate of his educational qualification. Thus the termination on account of the fact that he had given a false educational certificate cannot stand because he was not given an opportunity to show whether educational certificate given by him was false or not and the workman could not be terminated from service on this count without giving him due opportunity to show cause whether the certificate was false or not.

7. I have gone through the terms of service conditions Ex. M/1, the order relating to the extension of probationary period (Ex. M/2 and Ex. M/3) and the termination order Ex. M/4 as also the certificate Ex. M/5. I have also gone through the documents which though have not been proved are on record.

8. Having held that the applicant's services could not be terminated without giving him an opportunity to show cause whether his educational certificate is false or not, his removal from service amounts to retrenchment within the definition of Sec. 2(oo) of the I. D. Act. Whether he was a probationer or not does not matter and for want of the compliance of the provisions of Sec. 25-F of the I. D. Act, the applicant is entitled to reinstatement.

9. In the case of Santosh Gupta Vs. State Bank of Patiala (AIR 1980 SC P. 1219) it has been held that "termination of service for any reason whatsoever" in Sec. 2(oo) covers every kind of termination of service except those not expressly included in Sec. 25-F or not expressly provided by the other provisions of the Act such as Sec. 25-FF, 25-FFF.

10. In the case of Management of Karnataka State Road Transport Corporation, Bangalore Vs. M. Boraiah and another (AIR 1983 SC P. 1320) it has been held that termination of service of a probationer would also amount to retrenchment.

11. In view of the above discussion, I hold that the termination of the service of the applicant amounts to retrenchment and being in violation of the provisions of Sec. 25-F of the I. D. Act the order of termination is liable to be set aside. As has been held in the case of State bank of India Vs. Shri N. Sundara Money (AIR 1976 SC 1111), "What follows? Had the State Bank of India known the law and acted on it, half a month's pay would have concluded the story. But that did not happen", or his services would have been dismissed after due enquiry and show cause notice."

12. In the particular circumstances of the case, I am of the view that the applicant workman should not be given back wages but would be treated in service, from the date of reference with benefits accruing since thereafter.

13. Management has not prayed that in the alternative it should be permitted to prove the misconduct of the applicant workman; hence the question of giving an opportunity to the management to show the misconduct of the workman does not arise (Cooper Engineering Ltd. Vs. P. P. Mundhe (AIR 1975 SC P. 1900) and Shambhunath Goyal Vs. Bank of Baroda (AIR 1984 SC P. 289)).

14. The reference is, therefore, answered as follows :—

The action of the management of Vehicle Factory, Jabalpur in terminating services of Shri Indrajeet Yadav, Labour 'B' is not justified. He is entitled to be reinstated. He will be treated in service from the date of reference with the benefits accruing thereafter. No order as to costs.

Awarded accordingly.

V. N. SHUKLA, Presiding Officer

[No. L-14012/6/86-D. II (B)]

Hari Singh, Desk Officer.

